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International Court of Justice

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H0013-0002

Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 3 December, 1945, 1400-1630, Lord Justice Lawrence, presiding.

MR. ALDERMAN: May it please the Tribunal.

I might say that my attention has been called to the fact that I misread a signature on one of the documents to which I adverted this morning. It is item 31 of the Schmundt Minutes. I read the name "Jodl" as being the signature on that item. I should have read Keitel.

In the court of presenting details of the documents which are being offered in evidence, I think it would be well to pause for a moment, and recall the setting in which these facts took place. The World will never forget the Munich Pact, and the international crisis which lead to it. As this crisis was developing in August and September of 1938, a final effort was being made by statesmen of the World to preserve the peace of the World. Little did they know of the evil plans or designs in the hearts and the minds of these conspirators, so what is being presented to the Tribunal today is an inside story in that year underlying the Pact of Munich. We are now able to spread upon the pages of history the truth concerning the fraud and deceit practised by the Nazi conspirators. In the achieving of their own end, the Pact of Munich as a stepping stone towards further aggression, one can not think back without living again through the dread of war, or the threat to the world, or still of the war threat that was sought by these living persons. The hope of peace which came with the Munich Pact was the renouncing of the snare, and deceit and the trap course set by the defendants on trial.

This evil character of these men who were making preparations in this scheme for aggression and war is demonstrated by their own documents. Further discussions were held between the Army and the Luftwaffe as to the time of day at which the attack should be limited.

H0013-0003

Notes between the defendant Jodl dated 27 September reveal that in the translation of document 388-PS. These notes in Item 54, at page ninety in these Minutes of the trial. I shall read these first three paragraphs as follows:

The heading is -

"MOST SECRET

TOP SECRET

Only through officer

Conference Notes

Berlin 27.9.38.

4 copies
lst copy

Time of attack "Grun"?
(Z z A Grun)

COORDINATED TIME OF ATTACK BY ARMY AND AIR FORCES ON X DAY

"As a matter of principle, every effort should be made for a coordinated attack by Army and Air Forces on X day.

The Army wishes to attack at dawn, that is, about 0615, it also wishes to conduct some limited operations in the previous night, which however, would not alarm the entire Czech front.

Air Force's time of attack depends on weather conditions. These could change the time of attack and also limit the area of operations. The weather of the last few days, for instance, would have delayed the start until between 0800 and 100 due to low ceiling in Bavaria."

Then I'll skip to the last two paragraphs on page 91:

"Thus it is Proposed:

"Attack by the Army-independent of the attack by the air force-at the time desired by the Army (0615) and permission for limited operations to take place before then, however, only to an extent that will not alarm the entire Czech front.

"The Luftwaffe will attack at a time most suitable to them."

The initial at the end of that order is "J" meaning I think clearly "Jodl".

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On the same date, 27 September, the defendant Keitel sent a most secret memorandum to the defendant Hess, and the Reichs Fuehrer SS, Himmler, for the guidance of the Nazi Party officials. This memorandum is item 32 in the Schmundt files at page 56 of the English translation. I read the first four paragraphs of this message.

THE PRESIDENT: What is the item?

MR. ALDERMAN: It is item 32 in the Schmundt's files at page 56, which here is the English version:

"As a result of the political situation the Fuhrer and Chancellor has ordered mobilization measures for the Armed Forces, without the political situation being aggravated by issuing the mobilization (X) order, or corresponding code words.

"Within the framework of these mobilization measures it is necessary for the Armed Forces authorities to issue demands to the various Party authorities and their organizations, which are connected with the previous issuing of the Mobilization order, the advance measures or special code names.

"The special situation makes it necessary that these demands be met (even if the code word has not been previously issued) immediately and without being referred to higher authorities.

"OKW requests that subordinate offices be given immediate instructions to this effect so that the mobilization of the Armed Forces can be carried out according to plan."

Then I'll skip to the last paragraph as follows:

"The Supreme Command of the Armed Forces further requests that all measures not provided for in the plans which are undertaken by Party Organizations, or Police units, as a result of the political situation, be reported in every case and in plenty of time to the Supreme Command of the Armed Forces. Only then can it be guaranteed that these measures can be carried out in practice.

The Chief of the Supreme Command
of the Armed Forces.

KEITEL"

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To these two entries there the defendant Jodl's files reveal the extent to which the Nazi conspirators carried out all of their preparations for an attack; even during the period of negotiations which culminated in the Munich agreement. I quote the answers in the Jodl Diary for the 26 and 27 September from page 7 of the translation of document 1780-PS. The 26 September ---

THE PRESIDENT: Have you got in mind the entry on the visit of Mr. Chamberlain to Germany, and of the actual agreement?

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Perhaps you can give it later on.

MR. ALDERMAN: I think it will be covered later, yes.

THE PRESIDENT: Very well.

MR. ALDERMAN: The acting on the agreement of the Munich Pact was September 29th, and this answer then was three days before the Pact, the 26 September as follows: "Chief of the Armed Forces High Command, acting through the Army High Command, has stopped the intended approach march of the advance units to the Czech border, because it is not yet necessary and because the Fuehrer does not intend to march in before the 30th in any case. Order to approach towards the Czech frontier need be given on the 27th only.

"In the evening of the 26th, fixed radio stations of Breslau, Dresden and Vienna are put at the disposal of the Reich Ministry for Popular Enlightenment and Propaganda for interference with possible Czech propaganda transmissions.

"Question by department "Foreign Countries" whether Czechs are to be allowed to leave and cross Germany. Decision from Chief of Armed Forces High Command: yes.

"1515 hours: The Chief of the Armed Forces High Command informs General Stumpf about the result of the Godesberg conversations and about the Fuehrer's opinion. In no case will X day be before the 30th.

"It is important that we do not permit ourselves to be drawn into military engagements because of false reports, before Prague replied.

"A question of Stumpf about Y hour results in the reply that on account of the weather situation, a simultaneous intervention of the Air Force and Army can not be expected. The Army needs the dawn, the Air Force can only start later on account of frequent fogs.

"The Fuehrer has to make a decision for the commanders in chief who is to have priority.

"The opinion of Stumpf is also that the attack of the Army has to proceed. The Fuehrer has not made any decision as yet about commitment against Prague.

"2000 hours: The Fuehrer addresses the people and the world in an important speech at the Sportpalast."

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Then the entry on the 27 September: 1320 hours: The Fuehrer consents to the first wave of attack being advanced to a line from where they can arrive in the assembly area by 30 September.."

The order referred to by General Jodl was also recorded by the faithful Schmundt, which appears with item 33 at page 57 of the file. I'll read it in its entirety. This order had brought the Nazi Army to a jumping off point for the unremittable and fertile aggression.

"28.9.38. MOST SECRET. MEMORANDUM : At 1300 September 27 the Fuehrer and Supreme Commander of the Armed Forces ordered the movement of the assault units from their exercise areas to their jumping off points.

"The assault units (about 21 reinforced regiments, or 7 divisions) must be ready to begin the action against "Grun" on September 30, the decision having been made one day previously by 1200 noon.

"This order was conveyed to General Keitel at 1320 through Major Schmundt (pencil note by Schmundt)."

At this point with the Nazi Army poised in a poised position around the body of Czechoslovakia, we shall turn back for a moment to examine another phase of the Czech aggression. The military preparation for action against Czechoslovakia had not been carried out in vacuo. They had been proceeding by a skillfully conceived campaign designed to promote several disobediences in Czechoslovakia state. Using the tactics they did develop in underhand authority, their intentions of the Nazi conspirators of that period of year used many methods of propaganda and force to put in the mind of Czechoslovakians the program of the Nazi force, forcing their intentions of the present German decision on those living in Sudetanland, and the areas bounded thereto on the northwest and the south. I invite attention to the verbatim report in document 998-PS and offer it in evidence as Exhibit No. USA 91. This exhibit is entitled, "German Crimes Against Czechoslovakia," and "Czechoslovak Official Report for the Prosecution and Trial of the German Major War Criminals by the International Military Tribunal established according to the agreement of the Four Great Powers of August 8th, 1945."

I believe that this report clearly includes all the provisions of Article 21, or Charter, and the document of which the Court will take judicial notice.

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Article 21 provides:

"The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the accounts and documents of the committees set up in the various allied countries for the investigation of war crimes and the records and findings of military or other tribunals of any of the United Nations.

Since, under that provision, the Court will take judicial notice of this governmental report by the Czech Government, I shall, with the leave of the Tribunal, merely summarize pages 9 to 12 of this report to show the background of the subsequent Nazi intrigue within Czechoslovakia.

Nazi agitation in Czechoslovakia dated from the earliest days of the NSDAP of the Nazi party. In the years following the First World War, a German National Socialist Workers Party, DNSAP, which maintained close contact with Hitler's NSDAP, was activated in the Sudetenland. In 1932, ring-leaders of the Sudeten Volksport, an organization corresponding to the Nazi S. A. or Sturmabteilung, openly endorsed the 21 points of Hitler's program, the first of which demanded the union of all Germans in a greater Germany. Soon thereafter, they were charged with planning armed rebellion on behalf of a foreign power and were sentenced for conspiracy against the Czech Republic.

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Late in 1933, the National Socialist Party of Czechoslovakia forestalled its dissolution by voluntary liquidation and several of its chiefs escaped across the border into Germany. For a year thereafter, Nazi activity in Czechoslovakia continued underground.

On 1 October 1934, with the approval and at the urging of the Nazi conspirators, an instructor of gymnastics, Konrad Henlein, established the German Home Front or Deutsche Heimatfront, which, the following spring became the Sudentendeutsche Partei, SDP. Profiting from the experience of the Czech National Socialist Party, Henlein denied any connection with the German Nazis. He rejected pan-Germanism and professed his respect for individual liberties and his loyalty to honest democracy and to the Czech State. His party, nonetheless, was built on the basis of the Nazi Fuehrerprinzip, and he became its fuehrer.

By 1937, when the powers of Hitler's Germany had become manifest, Henlein and his followers were striking a more aggressive note, demanding, without defining "complete Sudenten autonomy". The SDP laid proposals before the Czech Parliament which would have created a state within a state.

After the annexation of Austria by Germany in March 1938, the Henleinists, who were now openly organized after the Nazi model, intensified their activities. Undisguised anti-Semitic propaganda started in the Henlein press.

The campaign against Bolshevism was intensified. Terrorism in the Henlein dominated communities increased. A Storm Troop organization, patterned and trained on the principals of the Nazi SS was established, known as the FS, Freiwilliger Schutz or Voluntary Vigilantes.

On 24 April 1938, in a speech to the Party Congress in Karlovy Vary, Henlein came into the open with what he called his Karlsbad Programme. In this speech, which echoed Hitler in tone and substance, Henlein asserted the right of the Sudeten Germans to profess German political philosppphy, which it was clear meant National Socialism.

As the summer of 1938 wore on, the Henleinists used every technique of the Nazi Fifth Column. As summarized in pages 12 to 16 of the Czech Government official report, these techniques included:

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(a) Espionage. Military espionage was conducted by the SDP the FS and by other members of the German minority on behalf of Germany. Czech defenses were mapped and information on Czech troop movements was furnished to the German authorities.

(b) Nazification of German organizations in Czechoslovakia. The Henleinists systematically penetrated the whole life of the German population of Czechoslovakia. Associations and social cultural centers regularly underwent Gleichschaltung, that is, purification, by the SDP. Among the organizations conquered by the Henleinists were sports societies, rowing clubs, associations of exservicemen, and choral societies. The Henleinists were particularly interested in penetrating as many business institution as possible, and bring over to their side the directors of banks, the owners of directors of factories, and the managers of commercial firms. In the case of Jewish ownership or direction, they attempted to secure the cooperation of the clerical and technical staffs of the institutions.

(c) German direction and leadership. The Henleinists maintained permament contact with the Nazi officials designated to direct operations within Czechoslovakia. Meetings in Germany, at which Henleinists were exhorted and instructed in Fifth Column activity, were camouflaged by being held in conjunction with Singer Feste or choral festivals, gymnastic shows, and assemblies, and commercial gatherings such as the Leibzig Fair. Whenever the Nazi conspirators needed incidents for their war of nervs, it was the duty of the Henleinists to supply them.

(d) Propaganda. Disruptive and subversive propaganda was beamed at Czechoslovakia in German broadcasts and was echoed in the German press. Goebbels called Czechoslovakia a nest of Bolshevism and spread the false report of Russian troops and airplanes centered in Prague. Under direction from the Reich, the Henleinists maintained whispering propaganda in the Sudetenland which contributed to the mounting tension and to the creation of incidents. Illegal Nazi literature was smuggled from Germany and widely distributed in the border regions. The Henlein press more or less openly espoused Nazi ideology to the German population in the Sudetenland.

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(e) Murder and terrorism. Nazi conspirators provided the Henleinists, and particularly the FS, with money and arms with which to provoke incidents and maintain a state of permanent unrest. Gendarms, customs officers, and other Czech officials were attacked. A boycott was established against Jewish lawyers, doctors, and tradesmen.

The Henleinists terrorized the non-Henlein population and the Nazi Gestapo crossed into the border districts to carry Czechoslovak citizens across the border into Germany. In several cases, political foes of the Nazis were murdered on Czech soil. Nazi agents murdered Professor Theodor Lessing in 1933 and Ing. Formis in 1935. Both men were anti-Nazi who had escaped from Germany after Hitler came to power and had sought refuge in Czechoslovakia.

Sometime afterwards, when there was no longer need for pretense and deception, Konrad Henlein made a clear and frank statement of the mission assigned to him by the Nazi conspirators. I offer in evidence Document No. 2863-PS, an excerpt from a lecture by Konrad Henlein quoted in the book "Four Fighting Years", a publication of the Czechoslovak Ministry of Foreign Affairs, and I quote from page 29. This book has been marked for identification Exhibit U.S.A.-92, but without offering it in evidence, I ask the Tribunal to

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take judicial notice of it. I shall read from page 29. This lecture was delivered by Henlein on 4 March 1938 in the auditorium of the University of Vienna, under the auspices of the Wiener Verwaltungs Akademie. During a thorough search of libraries in Vienna and elsewhere, we have been unable to find a copy of the German text. This text, this volume that I have here, is an English version. The Vienna newspapers the following day carried only summaries of the lecture. This English version, however, is an official publication of the Czech Government and is, under the circumstances, the best evidence that we can produce of the Henlein speech.

In this lecture on "The Fight for the Liberation of the Sudetens" Henlein said:

"National Socialism soon swept over us Sudeten Germans. Our struggle was of a different character from that in Germany. Although we had to behave differently in public we were, of course, secretly in touch with the National Socialist revolution in Germany so that we might be a part of it. The struggle for Greater Germany was waged on Sudeten soil, too. This struggle could be waged only by those inspired by the spirit of National Socialism, persons who were true followers of our Fuehrer, whatever their outward appearance. Fate sought me out to be the leader of the national group in its final struggle. When ... in autumn, 1933, the leaders of the NSDAP asked me to take over the political leadership of the Sudeten Germans, I had a difficult problem to solve. Should the National Socialist Party continue to be carried on illegally or should the movement, in the interest of the self-preservation of the Sudeten Germans and in order to prepare their return to the Reich, wage its struggle under camouflage and by methods which appeared quite legal to the outside world? For us Sudeten Germans only the second alternative seemed possible, for the preservation of our national group was at stake. It would certainly have been easier to exchange this hard and mentally exhausting struggle for the heroic gesture of confessing allegiance to National Socialism and entering a Czechoslovak prison. But it seemed more than doubtful whether by this means we could have fulfilled the political

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task of destroying Czechoslovakia as a bastion in the allegiance against the German Reich."

The account of Nazi intrigue in Czechoslovakia which I have just presented to the Tribunal is the outline of this conspiracy as it had been pieced together by the Czechoslovak Government early this summer. Since then, captured documents and other information made available to us since the defeat of Germany have clearly and conclusively demonstrated the implication, which hitherto could only be deduced, of the Nazi conspirators in the agitation in the Sudetenland.

I offer in evidence Document No. 3060-PS, Exhibit USA-93. This is the original, hand-written draft of a telegram sent from the German Legation in Prague on 16 March 1938 to the Foreign Minister in Berlin. It is presumably written by the German Minister Eisenlohr. It proves conclusively that the Henlein movement was an instrument, a puppet of the Nazi conspirators. The Henlein party, it appears from this document, was directed from Berlin and from the German legation in Prague. It could have no policy of its own. Even the speeches of its leaders had to be coordinated with the German authorities.

I will read this telegram:

"Prague, 16 March 1938

"Foreign (Office), Berlin

Cipher Cable (Secret Proced.)

No. 57 of 16 Mar.

With reference to cable order No. 30 of 14 March.

"Rebuff to Frank has had a salutary effect. Have thrashed out matters with Henlein, who recently had shunned me, and with Frank separately and received following promises:

"1. The line of German Foreign Policy as transmitted by the German Legation is exclusively decisive for policy and tactics of the Sudeten German Party. My directives are to be complied with implicitly.

"2. Public speeches and the press will be coordinated uniformly with my approval. The editorial staff of 'Zeit' (Time) is to be improved.

"3. Party leadership abandons the former intransigent line which

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in the end might lead to political complications and adopts a line of gradual promotion of Sudeten German interests. The objectives are to be set in every case with my participation and to be promoted by parallel diplomatic action. Laws for the protection of nationalities (Volksschutzgesetze) and 'territorial autonomy' are no longer to be stressed.

"4. If consultations with Berlin agencies are required or desired before Henlein issues important statements on his program, they are to be applied for and prepared through the Mission.

"5. All information of the Sudeten German Party for German agencies is to be transmitted through the Legation.

"6. Henlein will establish contact with me every week, and will come to Prague at any time if requested.

"I now hope to have the Sudeten German Party under firm control, as this is more than ever necessary for coming developments in the interest of foreign policy. Please inform ministries concerned and Mittelstelle (Central Office for Racial Germans) and request them to support this uniformdirection of the Sudeten German Party."

The initials are illegible.

The dressing down administered by Eisenlohr to Henlein had the desired effect. The day after the telegram was dispatched from Prague, Henlein addressed a humble letter to von Ribbentrop, asking an early personal conversation.

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I offer in evidence Document No. 2789-PS, as Exhibit USA-94. This is the letter from Conrad Henlein to von Ribbentrop, captured in the German Foreign Office files, dated 17 March 1938.

"Most honored Minister of Foreign Affairs:

"In our deeply felt joy over the fortunate turn of events in Austria we feel it our duty to express our gratitude to all those who had a share in this new grand achievement of our Fuehrer.

"I beg you, most honored Minister, to accept accordingly the sincere thanks of the Sudeten Germans herewith.

"We shall show our appreciation to the Fuehrer by doubled efforts in the service of the Greater German policy.

"The new situation requires a re-examination of the Sudeten German policy. For this purpose I beg to ask you for the opportunity for a very early personal talk.

"In view of the necessity of such a clarification I have postponed the Nation-wide Party Congress, originally scheduled for 26th and 27th of March, 1938, for four weeks.

"I would appreciate if the Ambassador, Dr. Eisenlohr, and two of my closest associates would be allowed to participate in the requested talks.

"Heil Hitler.

"Loyally yours,

"/s/ Konrad Henlein."

You will note that Henlein was quite aware that the seizure of Austria made possible the adoption of a new policy towards Czechoslovakia. You will also note that he was already in close enough contact with Ribbentrop and the German Minister in Prague to feel free to suggest early personal talks.

Ribbentrop was not unreceptive to Henlein's suggestion. The conversations Henlein had proposed took place in the Foreign Office in Berlin on 29 March 1938. The previous day Henlein had conferred with Hitler himself.

I offer in evidence Document No. 2788-PS as Exhibit USA-95, captured

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German Foreign Office notes of the conference on 29 March. I read the first two paragraphs:

"In this conference the gentlemen enumerated in the enclosed list participated.

"The Reichsminister started out by emphasizing the necessity to keep the conference which had been scheduled strictly a secret; he then explained, in view of the directives which the Fuehrer himself had given to Konrad Henlein personally yesterday afternoon that there were two questions which were of outstanding importance for the conduct of policy of the Sudeten German Party:"

I will omit the discussion of the claims of the Sudeten Germans and resume the minutes of this meeting in the middle of the last paragraph of the first page of the English translation, with the sentence beginning, "The aim of the negotiations."

"The aim of the negotiations to be carried out by the Sudeten German party with the Czechoslovakian Government is finally this: to avoid entry into the Government by the extension and gradual specification of the demands to bemade. It must be emphasized clearly in the negotiations that theSudeten German Party alone is the party to the negotiations with the Czechoslovakian Government, not the Reich cabinet. The Reich cabinet itself must refuse to appear toward the Government in Prag or toward London and Paris as the advocate or peacemaker of the Sudeten German demands. It is a self-evident prerequisite that during the impending discussion with the Czechoslovak Government the Sudeten Germans would be firmly controlled by Konrad Henlein, would maintain quiet and discipline, and would avoid indiscretions. The assurances already given by Konrad Henlein in this connection were satisfactory.

"Following these general explanations of theReichminister, the demands of the Sudeten German Party from the Czechoslovak Government, as contained in the enclosure, were discussed and approved in principle. For further cooperation, Konrad Henlein was instructed to keep in the closest possible touch with the Reichminister and the head of the Central Office for Racial Germans, as well as the German Minister

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in Prague, as the local representative of the Foreign Minister. The task of the German Minister in Prague would be to support the demand of the Sudeten German Party as reasonable, not officially, but in more private talks with the Czechoslovak politicians, without exerting any direct influence on the extent of the demands of the party.

"In conclusion, there was a discussion whether it would be useful if the Sudeten German Party would ccoperate with other minorities in Czechoslovakia, especially with the Slovaks. The Foreign Minister decided that the party should have the discretion to keep a loose contact with other minority groups if the adoption of a parallel course by them might appear appropriate. Berlin, 29 March, 1938, 'R' for Ribbentrop."

Not the least interesting aspect of this secret meeting is the list of those who attended: Konrad Henlein; his principal deputy, Karl Hermann Frank, and two others represented the Sudeten German Party. Professor Haushofer, the geopolitician, and SS Obergruppenfuhrer Lorenz represented the Volksdeutsche Mittelstelle,

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the Central Office for Racial Germans. The Foreign Office was represented by a delegation of eight. These eight included von Ribbentrop, who presided at the meeting and did most of the talking; von Mackensen; Weissaecker; and Minister Eisenlohr from the German Legation at Prague.

In May Henlein came to Berlin for more conversations with the Nazi conspirators. At this time, the plans for Case Green, for the attack on the Czechs, were already on paper, and it may be assumed that Henlein was briefed on the role he was to play during the summer months.

I again quote from General Jodl's diary, Document 1780-PS, the entry for 22 May, 1938: "Fundamental conference between the Fuehrer and K. Henlein (see enclosure)."

The enclosure unfortunately is missing from Jodl's diary.

The Tribunal will recall that in his speech in Vienna Henlein had admitted that he had been selected by the Nazi Conspirators in the fall of 1933 to take over the political leadership of the Sudeten Germans. The documents I have just read show conclusively the nature of Henlein's mission. They demonstrate that Henlein's policy, his propaganda, even his speeches, were controlled by Berlin.

I will now show that from the year 1935 the Sudeten German Party was secretly subsidized by the German Foreign Office. I offer in evidence Document 3059-PS, as Exhibit USA 96, another secret document captured in the German Foreign Office file.

This memorandum, signed by Woermann and dated Berlin, 19 August 1938, was occasioned by the request of the Henlein party for additional funds. I read from that document:

"The Sudeten German Party has been subsidized by the Foreign Office regularly since 1935 with certain amounts, consisting of a monthly payment of 15000 Marks; 12000 Marks of this are transmitted to the Prague Legation for disbursement and 3000 Marks are paid out to the Berlin representation of the party (Bureau Buerger). In the course of the last few months the tasks assigned to the Bureau Buerger have increased considerably due to the current negotiations with the Czech Government. The number of pamphlets and maps which are produced and disseminated has

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risen; the propaganda activity in the press has grown immensely; the expense accounts have increased especially because due to the necessity for continuous good information, the expenses for trips to Prague, London and Paris (including the financing of travels of Sudeten German deputies and agents) have grown considerably heavier. Under these conditions the Bureau Buerger is no longer able to get along with the monthly allowance of 3000 Marks to 5500 Marks monthly. In view of the considerable increase in the business transacted by the Bureau, and of the importance which marks the activity of the Bureau in regard to the cooperation with the Foreign Office, this desire deserves the strongest support.

"Herewith submitted to the Dept: Pers(onnel) with a request for approval. It is requested to increase the payments with retroactive effect from 1 August."

This is signed by Woermann, and under this signature is a footnote: "Volksdeutsche Mittelstelle (Central Office for Racial Germans) will be informed by the Political Dept." -- handwritten marginal note.

We can only conjecture what financial support the Henlein movement received from other agencies of the German Government.

As the military preparations to attack Czechoslovakia moved forward in the late summer and early fall, the Nazi command made good use of Henlein and his followers. About the first of August, the Air Attache in the German Legation in Prague, Major Merrecke, acting on instructions from Luftwaffe Headquarters in Berlin, visited the Sudeten German leader in Freudenthal. With his assistance and in the company of the local leader of the FS, the Henlein equivalent of the SS, he reconnoitered the surrounding countryside to select possible airfield sites for German use. The FS leader, a Czech reservist then on leave, was in the uniform of the Czech Army, a fact which, as the attache noted, served as excellent camouflage.

I now read from the enclosure to Document 1536-PS, which I offered in evidence earlier and which bears US Exhibit Number 83. I have already read the first four paragraphs of the enclosure.

"The manufacturer M. is head of the Sudeten German Glider Pilots

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in Fr. (Freudenthal) and said to be absolutely reliable by my trusted man. My personal impression fully confirmed this judgment. No hint of my identity was made to him, although I had the impression that M. knew who I was.

"At my request, with which he complied without any question, M. travelled with me over the country in question. We used M.'s private car for the trip.

"As M. did not know the country around Beneschau sufficiently well, he took with him the local leader of the FS, a Czech reservist of the Sudeten German Racial Group, at the time on leave. He was in uniform. For reasons of camouflage, I was entirely in agreement with this -- without actually saying so.

"As M., during the course of the drive, observed that I photographed large open spaces out of the car, he said, 'Aha, so you're looking for airfields!' I answered that we supposed that in the case of any serious trouble, the Czechs would put their airfields immediately behind the line of fortifications. I had the intention of looking over the country from that point of view."

In the latter part of the Air Attache's report, reference is made to the presence of reliable agents and informers, which he called V-Leute, or V-people, apparently drawn from the ranks of the Henlein party in this area. It was indicated that these agents were in touch with the Abwehr Stelle, the Intelligence Office in Breslau.

In September, when the Nazi propaganda campaign was reaching its height, the Nazis were not satisfied with playing merely on the Sudeten demands for autonomy. They attempted to use the Slovaks as well. On 19 September the Foreign Office in Berlin sent a telegram to the German Legation in Prague. I offer the document in evidence, Number 2858-PS, Exhibit USA 97, another

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captured German Foreign Office document: "Please inform Deputy Kundt that Konrad Henlein requests to get into touch with the Slovaks at once and induce them to start their demands for autonomy. (Signed) Altenburg."

Kundt was Henlein's representative in Prague.

As the harassed Czech Government sought to stem the disorders in the Sudetenland, the German Foreign Office turned to threatening diplomatic tactics in a deliberate effort to increase the tension between the two countries. I offer in evidence documents 2855-PS, 2854-PS, 2853-PS and 2856-PS, as US Exhibits respectively 98, 99, 100, 101. Four telegrams from the Foreign Office in Berlin to the Legation in Prague, despatched between the 16th and 24th of September, 1938. They are self-explanatory. The first is dated 16 September:

"Tonight 150 subjects of Czechoslovakia of Czech blood were arrested in Germany. This measure is an answer to the arrest of Sudeten Germans since the Fuehrer's speech of 12 September. I request you to ascertain the number of Sudeten Germans arrested since 12 September as extensively as possible. The number of those arrested there is estimated conservatively at 400 by the Gestapo. Cable report."

A handwritten note follows: "Impossible for me to ascertain these facts as already communicated to the proper agent."

The second telegram is dated September 17:

"Most urgent.

"I. Request to inform the local government immediately of the following:

"The Reich Government has decided that:

"(a) immediately as many Czech subjects of Czech descent, Czech speaking Jews included, will be arrested in Germany as Sudeten Germans have been in Czechoslovakia since the beginning of the week.

(b) if any Sudeten Germans should be executed pursuant to a death sentence on the basis of martial law, an equal number of Czechs will be shot in Germany."

The third telegram was sent on 24 September. I read it:

"According to information received here Czechs have arrested 2 German

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frontier-policemen, seven customs-officials and 30 railway officials. As countermeasure all the Czech staff in Marschegg were arrested. We are prepared to exchange the arrested Czech officials for the German officials. Please approach Government there and wire result."

On the same day the fourth telegram was despatched, and I read the last paragraph:

"Yielding of the Czech hostages arrested here for the prevention of the execution of any sentencespassed by military courts against Sudeten-Germans is, of course, out of question."

In the latter half of September, Henlein devoted himself and his followers wholeheartedly to the preparations for the coming German attack. About 15 September, after Hitler's provacative Nurnberg speech in which he accused Benes of torturing and planning the extermination of the Sudeten Germans. Henlein and Karl Frank, one of his principal deputies, fled to Germany to avoid arrest by the Czech Government. In Germany Henlein broadcast over the powerful Reichsender radio station his determination to lead the Germans home to the Reich and denounced what he called the Hussites, Bolshevist criminals of Prague. From his headquarters in a castle at Banndorf, outside Bayreuth, he kept in close touch with the leading Nazi conspirators, including Hitler and Himmler. He directed activities along the border and began the organization of the Sudeten German Free Corps and auxiliary military organizations. You will find these events set forth in the Czechoslovak official government report, 998-PS, which has already been offered as Exhibit USA 91.

Henlein's activities were carried on with the advice and assistance of th German Nazi leaders. Lieutenant Colonel Koechling was assigned to Henlein in an advisory capacity to assist with the Sudeten German Free Corps. In a conference with Hitler on the night of September 17, Koechling received far-reaching military powers.

At this conference, the purpose of the Free Corps was frankly stated-- the maintenance of disorder and clashes. I read from Item 25, a handwritten note labelled "Most Secret", at page 49 of the Schmundt file, Document 388-PS:

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"Most Secret. Last night conference took place between Fuehrer and Oberstleutnant Koechling. Duration of conference 7 minutes. Lt. Col. Koechling remains directly responsible to OKW. He will be assigned to Konrad Henlein in an advisory capacity. He received far-reaching military plenary powers from the Fuehrer. The Sudeten German Free Corps remains responsible to Konrad Henlein alone. Purpose: Protection of the Sudeten Germans and maintenance of disturbances and clashes. The Free Corps will be established in Germany. Armament only with Austrian weapons. Activities of Free Corps to begin as soon as possible."

THE PRESIDENT: Would that be a good place to break off for ten minutes?

(Whereupon, a brief recess was taken.)

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MR. ALDERMAN: May it please the Tribunal, General Jodl's diary again gives a further insight into the position of the Henlein Free Corps. At this time, the Free Corps was engaged in active skirmishing along the Czech Border, furnishing incidents and provocation in the desired manner. I quote from the entries in the Jodl diary, for the 19th and 20th September, 1938, at page 6 of the Document 1780-PS, which is Exhibit USA 72.

"19 September: Order is given to the Army High Command to take care of the Sudeten German Free Corps.

"20 September: England and France have handed over their demands in Prague, the contents of which are still unknown. The activities of the Free Corps start assuming such an extent that they may bring about, and already have brought about, consequences harmful to the plans of the Army. (Transferring rather strong units of the Czech Army to the proximity of the border.) By checking with Lt.-Col. Keechling, I attempt to lead these activities into normal channels.

"Toward the evening the Fuehrer also takes a hand and gives permission to act only with groups up to 12 men each, after the approval of the Corps HQ."

A report from Henlein's staff, which was filed in Hitler's headquarters, boasted of the extensive operations of the Free Corps. It is item 30 of the Schmundt file, page 54 of Document 388-PS. I read the last two paragraphs:

"Since 19 September - in more than 300 missions - the Free Corps has executed its task with an amazing spirit of attack***" Now, that word "attack" was changed by superimposition to "defense." "***And with a willingness often reaching a degree of unqualified self-sacrifice. The result of the first phase of its activities: more than 1500 prisoners, 25 MG's***" which I suppose means machine guns "***and a large amount of other weapons and equipment, aside from serious losses in dead and wounded suffered by the enemy. And there was superimposed in place of "enemy," "The Czech Terrorists."

In his headquarters in the castle at Dondorf, Henlein was in close touch with Admiral Canaris of the Intelligence Division of the

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OKW and with the SS and with the SA. The liaison officer between the SS and Henlein was Oberfuehrer Gottlieb Berger (SS).

I now offer in evidence Document 3646-PS, as Exhibit USA 102, which is an affidavit executed by Gottlieb Berger; and in connection with that affidavit, I wish to submit to the Tribunal that it presents, we think, quite a different question of proof from the Schuschnigg affidavits which were not admitted in evidence by the Court. Schuschnigg, of course, was a neutral and Austria non-Nazi, and neither a member of this conspiracy, and I can well understand that the Court rejected his affidavit for these reasons.

This man was a Nazi. He was serving in this conspiracy. He had made this affidavit. We think the affidavit has probative value and should be admitted by the Tribunal under the pertinent provision of the Charter, which says that you will accept in evidence any evidence having probative value. We think it would be unfair to require us to bring here as a witness a man who would certainly be a hostile witness, who

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is to us a member of this conspiracy, and it seems to us that the affidavit should be admitted with leave to the Defendants, if they wish, to call the author of the affidavit for examination. I should have added that this man was a prominent member of the SS, which is charged before you as being a criminal organization, and we think the document is perfectly competent in evidence as an admission against the enemy by a prominent member of the SS organization.

DR. STAHLER: Mr. President, the Defense contradicts the use of this document. This document was made out only on the 22nd of November 1945. It was filed here in Nurnberg, and therefore, the witness, Berger, without any difficulty, could be produced as a witness, and we have to insist that the prosecution will need him and that the Defense will have the possibility to take the witness into cross-examination and in that way it will be able to see the objectivity of his statement that will be spoken.

THE PRESIDENT: The Tribunal upholds the objection and will not hear this affidavit. It is open to either the prosecution or the defendants, of course, to call the man who made the affidavit. Did you hear? that is all I have to say. We have upheld your objection.

MR. ALDERMAN: If the Tribunal please, I had another affidavit by one Alfred Helmut Naujocks which, I take it, will be excluded under this same ruling, and which, therefore, I shall not offer.

THE PRESIDENT: If the circumstances are the same.

MR. ALDERMAN: Yes, I might merely refer to it for identification because it is in your document books.

THE PRESIDENT: Very well.

MR. ALDERMAN: It is Document 3029-PS.

THE PRESIDENT: Very well. That also will be rejected as evidence.

MR. ALDERMAN: Yes. Offensive operations along the Czechoslovakian Border were not confined to skirmishes carried out by the Free Corps. Two SS Totenkopf, SS Battalions, were operating across the border in Czech territory near Eich.

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I quote now from Item 36 in the Schmundt file and OKW's most secret order, signed by Jodle, and dated 28 September 1938. This appears at page 61 of the Schmundt file.

"Supreme Command of the Armed Forces, Berlin, September 28 1938, 45 copies, 16th copy.

"Subject: 4 SS-Totenkopf Battalions subordinate to the C in C Army.

"To: Reichsfuhrer SS and Chief of the German Police, (SS Central Office) (36 copies). MOST SECRET.

"By order of the Supreme Command of the armed forces the following Bn's of the SS Deaths Head organization will be under the command of the C in C Army with immediate effect.

"II and II Bn. of the 2nd SS-Totenkopf Regiment Brandenburg at present in Brieg (Upper Silesia).

"I and II Bn, of the 3rd SS-Totenkopf Regiment Thuringia at present in Radeboul and Kotzenbroda near Dresden.

"C in C Army is requested to deploy these Bn's for the West, (Upper Rhine) according to the Fuhrer's instructions.

"These SS-Totenkopf units now operating in the Asch promentory I and II Bn of Oberbayern Regiment) will come under the C in C Army only when they return to German Reich territory, or when the Army crosses the German-Cz. frontier.

"It is requested that all further arrangements be made between C in C Army and Reichsfuhrer-SS. (SS Central Office).

"For the Chief of the Supreme Command of the Armed Forces.

"Jodl".

According to the 25 September entry in General Jodl's diary, these SS-Totenkopf Battalions were operating in this area on direct orders from Hitler. As the correct day approached, the disposition of the Free Corps became a matter of dispute.

On 26 September Himmler issued an order to the Chief of Staff of the Sudeten Germany Free Corps, directing that the Free Corps come under control of the Reichsfuehrer SS in the event of German invasion of Czechoslovakia. This document is Item 37 in the Schmundt file, at page 62.

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On 28 September the Defendant Keitel directed that as soon as the German Army crosses the Czech border, the Free Corps will take orders from the OKH. In this most secret order of the OKW, Keitel discloses that Henlein's men are already operating in Czechoslovakian territory.

I read, now, from Item 34 of the Schmundt file on page 58, the last three paragraphs of this most secret document.

"For the Henlein Free Corps and units subordinate to this the principle remains valid, that they receive instructions direct from the Fuhrer and that they carry out their operations only in conjunction with the competent general staff corps. The advance units of the Free Corps will have to report to the local commander of the frontier guard immediately before crossing the frontier.

"These units remaining forward of the frontier should - in their own interests - get into communication with the frontier guard as often as possible.

"As soon as the army crosses the Cz border the Henlein Free Corps will be subordinate to the OKH. Thus it will be expedient to assign a sector to the Free Corps even now which can be fitted into the scheme of army boundaries later."

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On September 30, when it became clear that the Munich settlement would result in a peaceful occupation of the Sudetenland, the defendant Keitel ordered that the Free Corps Henlein in its present composition be placed under the command of Himmler.

I read from Item 38, at page 63, of the Schmundt File:

"1. Attachment of Henlein Free Corps:

The Supreme Commander of the Armed Forces has just ordered that the Henlein Free Corps in its present composition be placed under command of Reichsfuehrer--SS and the Chief of German Police.

It is therefore at the immediate disposal of OKH as field unit for the invasion, but is to be later drawn in like the rest of the police forces for police duties in agreement with the Reichsfuehrer SS."

I have been able, if the Tribunal please, to ascertain the dates the Tribunal asked about before the recess.

The first visit of Chamberlain in connection with this matter to Germany was 15 September 1938. Chamberlain flew to Munich and arrived at 12:30 o'clock; on September 15 he went by train from Munich to Berchtesgaden, arriving at 1600 hours, and by car to Berghof, arriving about at 1650, for three talks with Hitler. On 16 September Chamberlain returned by air to London.

The second visit was on September 22. Chamberlain met with Hitler at Bad Godesberg at 1700 hours for a three-hour discussion, and it was a deadlock. On September 23 discussions were resumed at 2230. On September 24 Chamberlain returned to London.

The third visit was on September 29. Chamberlain flew to Munich and the meeting of Chamberlain, Mussolini, Daladier and Hitler took place at the Brownhaus at 1330 and continued until 0230 hours on September 30, 1938, a Friday, when the Munich agreement was signed. Under the threat of war by the Nazi conspirators, and with war in fact about to be launched, the United Kingdom and France concluded the Munich pact with Germany

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and Italy at that early morning hour of September 30, 1938. This treaty will be presented by the British Prosecutor. It is sufficient for me to say of it at this point that it provided for the cession of the Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce.

The Munich Pact will be No. TC-23 of the British documents.

On 1 October 1938 German troops began occupation of the Sudetenland. During the conclusion of the Munich Pact the Wehrmacht had been fully deployed for the attack, awaiting the word of Hitler to begin the assault.

With the cession of the Sudetenland new orders were issued. On 30 September the defendant Keitel promulgated Directive No. 1 on occupation of territory separated from Czechoslovakia. This is Item 39 at page 64 of the Schmundt File. This directive contained the timetable for the occupation of sectors of former Czech territory between 1 and 10 October and specified the tasks of the German armed forces.

I read now the fourth and fifth paragraphs of that document:

"2. The present degree of mobilized preparedness is to be maintained completely, for the present also in the West, Order for the rescinding of measures taken is held over.

"The entry is to be planned in such a way that it can easily be converted into operation 'Grun'."

It contains one other important provision about the Henlein forces, and I quote from the list under the heading "A. Army: Henlein Free Corps. All combat action on the part of the Volunteer Corps must cease as from 1 October."

The Schmundt File contains a number of additional and secret OKW directives giving instructions for the occupation of the Sudetenland. I think I need not read them, as they are not essential to the proof of our case. They merely indicate the scope of the preparations of the OKW. Directives specifying the occupational area of the army and units under its command, arranging for

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communication facilities, exchange facilities, supply, and propaganda, and giving instructions to the various departments of the government were issued over defendant Keitel's signature on 30 September. These are Items 40, 41, and 42 in the Schmundt File. I think it is sufficient to read the caption and the signature.

THE PRESIDENT: What page?

MR. ALDERMAN: Page 66 of the English version.

"Special Orders No. 1." This is the Supreme Commander of the Armed Forces, Most Secret. "Special Orders No. 1 to Directive No. 1. Subject: Occupation of territory ceded by Czechoslovakia. Signature: Keitel."

Item 41 is on page 70 of the Schmundt File.

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"Supreme Command of the Armed Forces. Most Secret IV a. MOST SECRET. Subject: Occupation of Sudeten-German Territory, signed Keitel."

Item 42 in the Schmundt File is on page 75, again most secret. "Subject: Occupation of the Sudeten-German area, signed Keitel."

By 10 October Von Brauchitsch was able to report to Hitler that German troops had reached the demarcation line and that the order for the occupation of the Sudetenland had been fulfilled. The OPW requested Hitler's permission to rescind Case Green and to withdraw troops from the occupied area and to relieve the OKH of executive powers in the Sudetenland German area as of 15 October. These are Items 46, 47, and 48 in the Schmundt File.

46, which appears at page 77, is a letter from Berlin, dated 10 October 1938, signed by Von Brauchitsch:

"My Fuehrer:

"I have to report that the troops will reach the demarcation line as ordered, by this evening. In so far as further military operations are not required, the order for the occupation of the country which was given to me will thus have been fulfilled. The guarding of the new frontier line will be taken over by the reinforced frontier supervision service in the next few days.

"It is thus no longer a military necessity to combine the administration of the Sudetenland with the command of the troops of the army under the control of one person.

"I therefore ask you, my Fuehrer, to relieve me with effect from October 15, 1938, of the charge assigned to me -- that of exercising executive powers in Sudeten-German territory.

"Heil my Fuehrer, Von Brauchitsch."

Item 47 of the Schmundt File, appearing on page 78, is a secret telegram from the OKW to the Fuehrer's train, Lt. Col. Schmundt:

"If evening report shows that occupation of Zone Five has been completed without incident, OKW intends to order further demobilization.

"Principle: 1) To suspend operation "Grun" but maintain a sufficient state of preparedness on part of army and Luftwaffe to

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to make intervention possible if necessary.

2) all units not needed to be withdrawn from the occupied area and reduced to peacetime status, as population of occupied area is heavily burdened by the massing of troops."

Skipping to below OKW's signature, this appears, at the left:

"Fuehrer's decision:

1.--agreed

2.--Suggestion to be made on the 13 October in Essen by General Keitel. Decision will then be reached."

On the same date additional demobilization of the forces in the Sudetenland was ordered by Hitler and defendant Keitel. Three days later the OKW requested Hitler's consent to the reversion of the RAD Labor Corps from the control of the armed forces. These are Items 52 and 53 in theSchmundt File.

As the German forces entered the Sudetenland Henlein's Sudetendeutsche Partei was merged with the NSDAP of Hitler. The two men who had fled to Hitler's protection in mid-September. Henlein and Karl Hermann Frank, were appointed Gauleiter and Deputy Gauleiter, respectively, of the Sudetengau. In the parts of the Czechoslovak Republic that were still free the Sudetendeutsche Partei constituted itself as the National Socialistic German Worker Party in Czechoslovakia under the direction of Kundt, another of Henlein's deputies.

The Tribunal will find these events set forth in the Czechoslovak official report, Document 998 PS.

The stage was now prepared for thenext move of the Nazi conspirators, the plan for the conquest of the remainder of Czechoslovakia. With the occupation of the Sudetenland and the inclusion of German-speaking Czecks within the greater Reich, it might have been expected that the Nazi conspirators would be satisfied. Thus far in their program of aggression the defendants had used as a pretext for their conquests the union of the Volksdeutsche, the people of German descent, with the Reich. Now, after Munich, the Volksdeutsche in Czechoslovakia has been substantially all returned to German rule.

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On 26 September at the Sportspalast in Berlin Hitler spoke to the world. I now refer and invite the notice of the Tribunal to the "Voelkischer Beobachter," Munich edition, special edition for 27 September 1938, in which this speech is quoted. I read from page 2, column 1, quoting from Hitler:

"And now we are confronted with the last problem which must be solved and will be solved. It is thelast territorial claim --

THE PRESIDENT (interposing): Is this document in our documents?

MR. ALDERMAN: No. That I am asking the Court to take judicial notice of.

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THE PRESIDENT: Very well.

MR. ALDERMAN: It is a well-known German publication.

(continuing) "It is the last territorial claim which I have to make in Europe, but it is a claim from which I will not swerve and which I will satisfy, God willing."

And further:

"I have little to explain. I am grateful to Mr. Chamberlain for all his efforts, and I have assured him that the German people want nothing but peace; but I have also told him that I cannot go back beyond the limits of our patience." This is page 3, column 1.

(continuing) "I assured him, moreover, and I repeat it here, that when this problem is solved there will be no more territorial problems for Germany in Europe. And I further assured him that from the moment when Czechoslovakia solves its other problems - that is to say, when the Czechs have come to an arrangement with their other minorities peacefully and without oppression - I will no longer be interested in the Czech State. And that, as far as I am concerned, I will guarantee it. We don't want any Czechs!"

The major portion of the passage I have quoted will be contained in Document TC 28, which I think, will be offered by the British Prosecutor.

Yet two weeks later Hitler and defendant Keitel were preparing estimates of the military forces required to break Czechoslovak resistance in Bohemia and Moravia.

I now read from Item 48, at page 82, of the Schmundt File. This is a top secret telegram sent by Keitel to Hitler's headquarters on 11 October 1938 in answer to four questions which Hitler had propounded to the OKW. I think it is sufficient merely to read the questions which Hitler had propounded.

"Question 1: What reinforcements are necessary in the present situation to break all Czech resistance in Bohemia and Moravia?

"Question 2: How much time is required for the regrouping or moving up of new forces?

"Question 3: How much time will be required for the same purpose if it is executed after the intended demobilization and return measures?

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"Question 4: How much time would be required to achieve the state of readiness of October 1?"

THE PRESIDENT: Sent on October 11?

MR. ALDERMAN: Yes, 11 October.

On 21 October the same day on which the administration of the Sudetenland was handed over the civilian authorities, a directive outlining plans for the conquest of the remainder of Czechoslovakia was signed by Hitler and initialed by the defendant Keitel.

I now offer in evidence Document C-136, as Exhibit U.S.A. 104, a top secret order of which ten copies were made, this being the first copy, signed in ink by Keitel.

In this order, issued only three weeks after the winning of the Sudetenland, the Nazi conspirators are already looking forward to new conquests. I quote the first part of the body of the document:

"The future tasks for the Armed Forces and the preparations for the conduct of war resulting from these tasks will be laid down by me in a later Directive.

"Until this Directive comes into force the Armed Forces must be prepared at all times for the following eventualities:

"1) The securing of the frontiers of Germany and the protection against surprise air attacks.

"2) The liquidation of the remainder of Czechoslovakia.

"3) The occupation of the Memelland."

And then proceeding, the following the number 2:

"Liquidation of the remainder of Czechoslovakia; It must be possible to smash at any time the remainder of Czechoslovakia if her policy should become hostile towards Germany.

"The preparations to be made by the Armed Forces for this contingency will be considerably smaller in extent than those for "Gruen"; they must, however, guarantee a continuous and considerably higher state of preparedness, since planned mobilization measures have been dispensed with. The organization, order of battle, and state of readiness of the units earmarked for that purpose are in peace-time to be so arranged for a surprise assault

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that Czechoslovakia herself will be deprived of all possibility of organized resistance. The object is the swift occupation of Boehmia and Moravia and the cutting off of Slovakia. The preparations should be such that at the same time 'Grenzsicherung West' (The measures of frontier defense in the West) can be carried out.

"The detailed mission of Army and Air Force is as follows:

"a. Army: The units stationed in the vicinity of Bohemia - Moravia and several motorized divisions are to be earmarked for a surprise type of attack. Their number will be determined by the forces remaining in Czechoslovakia; a quick and decisive success must be assured. The assembly and preparations for the attack must be worked out. Forces not needed will be kept in readiness in such a manner that they may be either committed in securing the frontiers or sent after the attack army.

"b. Air Force: The quick advance of the German Army is to be assured by an early elimination of the Czech Air Force.

"For this purpose the commitment in a surprise attack from peace-time bases has to be prepared. Whether for this purpose still stronger forces may be required can be determined from the development of the military situation in Czechoslovakia only. At the same time a simultaneous assembly of the remainder of the offensive forces against the West must be prepared."

And then Part 3 goes under the heading "Annexation of the Memel District."

It is signed by Adolf Hitler and authenticated by defendant Keitel. It was distributed to the OKH, to defendant Goering's Luftwaffe, and to defendant Raeder at Navy Headquarters.

Two months later, on 17 December 1938, defendant Keitel issued an appendix to the original order, stating that by command of the Fuhrer preparations for the liquidation of Czechoslovakia re to continue.

I offer in evidence document C-138 as Exhibit U.S.A. 105, and other captured OKW documents classified "Top Secret".

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Distribution of this order was the same as for the 21 October order. I shall read the body of this order.

"Corollary to Directive of 21.10.39.

"Reference 'Liquidation of the Rest of Czechoslovakia' the Fuehrer has given the following additional order:

"The preparations for this eventuality are to continue on the assumption that no resistance worth mentioning is to be expected.

"To the outside world too it must clearly appear that it is merely an action of pacification and not a warlike undertaking.

"The action must therefore be carried out by the peacetime Armed Forces only, without reinforcements from mobilization. The necessary readiness for action, especially the ensuring that the most necessary supplies are brought up, must be effected by adjustment within the units.

"Similarly the units of the Army detailed for the march in must, as a general rule, leave their stations only during the night prior to the crossing of the frontier, and will not previously form up systematically on the frontier. The transport necessary for previous organization should be limited to the minimum and will be camouflaged as much as possible. Necessary movements, if any, of single units and particularly of motorized forces, to the troop-training areas situated near the frontier, must have the approval of the Fuehrer.

"The Air Force should take action in accordance with the similar general directives.

"For the same reasons the exercise of executive power by the Supreme Command of the Army is laid down only for the newly occupied territory and only for a short period." Signed: "Keitel."

I invite the attention of the Tribunal to the fact that this particular copy of this Order, an original carbon signed in ink by Keitel, was the one sent to the OKM, the German Naval Headquarters. It bears the initials of Fricke, head of the Operation Division of the Naval War Staff, Schneewind, Chief of Staff, and of defendant Raeder.

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As the Wehrmacht moved forward with plans for what it clearly considered would by an easy victory, the foreign office played its part. In a discussion of means of improving German-Czech relations with the Slovakian Foreign Minister Chvalkosky in Berlin on 21 January 1939, defendant Ribbentrop urged upon the Czech Government a quick reduction in the size of the Czech Army. I offer in evidence Document 2795-PS as Exhibit "USA 106", captured German foreign office notes of this discussion. I will read only the footnote, which is in Ribbentrop's handwriting.

"I mentioned to Chvalkosky especially that a quick reduction in the Czech Army would be decisive in our judgment."

Does the Court propose sitting beyond 4:30?

PRESIDENT: No, I think not. The Tirbunal will adjourn.

(Whereupon at 1630 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours on 4 December 1945.)

File copy

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 3 December 1945, 1000- Lord Justice Lawrence, presiding.

THE PRESIDENT: I call on the Prosecutor for the United States.

MR. ALDERMAN: May it please the Tribunal, it occurs to me that perhaps the Tribunal might be interested in a very brief outline of what might be expected to occur within the next week or two weeks in this trial.

I shall immediately proceed with the aggressive war case, to present the story of the rape of Czechoslovakia. I perhaps shall not be able to conclude that today.

Sir Hartley Shawcross, the British Chief Prosecutor, has asked that he be allowed to proceed tomorrow morning with his opening statement on Count 2, and I shall be glad to yield for that purpose, with the understanding that we shall resume on Czechoslovakia after that.

Thereafter, the British Prosecutor will proceed to present the aggressive warfare case as to Poland, which brought France and England into the war. Thereupon the British Prosecutor will proceed with the expansion of aggressive war in Europe, the aggression against Norway and Denmark, against Holland, Belgium and Luxembourg, against Yugoslavia and Greece. And in connection with those aggressions the British Prosecutor will present to the Tribunal the various treaties involved and the various breaches of treaties involved in those aggressions.

That, as I understand it, will complete the British case under Count 2; and that will probably take the rest of this week.

Then it will be necessary for the American prosecuting staff to come back to Count 1 to cover certain portions which have not been covered, specifically, persecution of the Jews, concentration camps, spoliation in occupied territories, the High Command and other alleged criminal organizations, particular evidence dealing with individual responsibility of individual defendants.

Roughly, I would anticipate that that would carry through the

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following week, two weeks. However, that is a very rough estimate.

Thereupon, the French Chief prosecutor will make his opening statement and will present the evidence as to crimes against humanity and war crimes under Count 3 and 4 as to Western occupied countries.

Following that, the Russian Chief Prosecutor will make his opening statement and will present corresponding evidence regarding war crimes and crimes against humanity in the Eastern countries.

That, in very rough outline, is what we have in mind to present.

I turn now to the third section in the detailed chronological presentation of the aggressive war case, aggression against Czechoslovakia. The relevant portions of the Indictment are set forth in Subsection 3, under Section IV, (F), appearing at pages 7 and 8 of the printed English text of the Indictment.

This portion of the Indictment is divided into three parts:

(a) The 1936-1938 phase of the plan; that is, the planning for the assault both on Austria and Czechoslovakia.

(b) The execution of the plan to invade Austria; November 1937 to March 1938.

(c) The execution of the plan to invade Czechoslovakia, April 1938 to March 1939.

On Thursday last I completed the presentation of the documents on the execution of the plan to invade Austria. Those documents are gathered together in a document book, which was handed to the Tribunal at the beginning of the Austrian presentation.

The materials relating to the aggression against Czechoslovakia have been gathered in a separate document book, which I now submit to the Tribunal and which is marked "Document Book O".

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The Tribunal will recall that in the period 1933 to 1936 the defendants had initiated a program of rearmament designed to give the Third Reich military strength and political bargaining power to be used against other nations. You will recall also that beginning in the year 1936 they had embarked upon a preliminary program of expansion which, as it turned out, was to last until March 1939. This was intended to shorten their frontier, to increase their industrial and food reserve, and to place them in a position, both industrially and strategically, from which they could launch a more ambitious and more devastating campaign of aggression.

At the moment--in the early spring of 1938--when the Nazi conspirators began to lay concrete plans for the conquest of Czechoslovakia, they had reached approximately the half-way point in this preliminary program.

The preceding autumn, at the conference in the Reich Chancellery on 5 November, 1937, covered by the Hoszbach minutes, Hitler had set forth the program which Germany was to follow. Those Hoszbach minutes, you will recall, are contained in document 386-PS, US Exhibit No. 25, which I read to the Tribunal in my introductory statement a week ago today.

"The question for Germany", the Fuehrer had informed his military commanders at that meeting, "is where the greatest possible conquest could be made at the lowest cost."

At the top of his agenda stood two countries, Austria and Czechoslovakia.

On 12 March, 1938, Austria was occupied by the German Army, and on the following day it was annexed to the Reich. The time had come for a re-definition of German intentions regarding Czechoslovakia. A little more than a month later two of the conspirators, Hitler and Keitel, met to discuss plans for the envelopment and conquest of the Czechoslovak State.

Among the selected handful of documents which I read to the Tribunal in my introduction a week ago, to establish the corpus of the crime of aggressive war, was the account of this meeting on 21 May, 1938. This account is item 2 in our document number 388-PS, U.S..Exhibit No. 26.

The Tribunal will recall that Hitler and Keitel discussed the pretext which Germany might develop to serve as an excuse for a sudden and overwhelming attack. They considered the provocation of a period of diplomatic

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squabbling which, growing more serious, would lead to an excuse for war. In the alternative--and this alternative they found to be preferable--they planned to unleash a lightning attack as the result of an incident of their own creation.

Consideration--as we alleged in the Indictment and as the document proved--was given to the assassination of the German Ambassador at Prague to create the requisite incident.

The necessity of propaganda to guide the conduct of Germans in Czechoslovakia and to intimidate the Czechs was recognized. Problems of transport and tactics were discussed, with a view to overcoming all Czechoslovak resistance within four days, thus presenting the world with a fait accompli and forestalling outside intervention.

Thus, in mid-April 1938, the designs of the Nazi conspirators to conquer Czechoslovakia had already reached the stage of practical planning.

Now all of that occurred, if the Tribunal please, against a background of friendly diplomatic relations. This conspiracy must be viewed against that background. Although they had, in the fall of 1937, determined to destroy the Czechoslovak State, the leaders of the German Government were bound by a treaty of arbitration, and assurances freely given, to observe the sovereignty of Czechoslovakia.

By a formal treaty signed at Locarno on 16 October, 1925--Document TC-14, which will be introduced by the British Prosecutor--Germany and Czechoslovakia agreed, with certain exceptions, to refer to an arbitral tribunal or to the Permanent Court of International Justice matters of dispute. I quote, they would so refer "all

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disputes of every kind between Germany and Czechoslovakia with regard to which the parties are in conflict as to their respective right, and which it may not be possible to settle amicably by the normal methods of diplomacy."

And the preamble to this treaty stated:

"The President of the German Empire and the President of the Czechoslovak Republic equally resolve to maintain peace between Germany and Czechoslovakia by sharing the peaceful settlement of differences which might arise between the two countries, declaring their respect for the rights established by treaty or resulting from the Law of Nations obligatory for international peace, agreeing to recognize that the rights of a State cannot be modified save with its consent, and considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which might become the cause of division between states, have decided to embody in a treaty their common intention in this respect."

That ends the quotation.

Formal and categoric assurances of their good will towards Czechoslovakia were both coming from the Nazi conspirators as late as March 1938. On 11 and 12 March, 1938, at the time of the annexation of Austria, Germany had a considerable interest in inducing Czechoslovakia not to mobilize. At this time the defendant Goering assured Monsieur Masaryk, the Czechoslovak Minister in Berlin, on behalf of the German Government, that German-Czech relations were not adversely affected by the development in Austria and that Germany had no hostile intentions towards Czechoslovakia. As a token of his sincerity, Defendant Goering accompanied his assurance with the statement: "Iche gebe Ihnen mein ehrenwort." "I give you my word of honor."

At the same time, the Defendant von Neurath, who was handling German foreign affairs during Ribbentrop's stay in London, assured

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Monsieur Masaryk, on behalf of Hitler and the German Government, that Germany still considered herself bound by the arbitration convention of 1925.

These assurances are contained in Document TC-27, another of a series of documents which will be presented to the Tribunal by the British Prosecutor under Count 2 of the Indictment.

Behind the screen of these assurances the Nazi conspirators proceeded with their military and political plan for aggression. Ever since the preceding fall it had been established that the immediate aim of German policy was the elimination both of Austria and of Czechoslovakia. In both countries the conspirators planned to undermine the will to resist by propaganda and by fifth column activities, while the actual military preparations were being developed.

The Austrian operation, which received priority for political and strategic reasons, was carried out in February and March of 1938. Thenceforth the Wehrmacht planning was devoted to "Fall Gruen", Case Green, the designation given to the proposed operation against Czechoslovakia.

The military plans for Case Green had been drafted in outline form as early as June 1937. The OKW top secret directive for the unified preparation of the armed forces for war--signed by von Blomberg on 24 June, 1937, and promulgated to the Army, Navy, and Luftwaffe for the year beginning 1 July, 1937--included, as a probable war-like eventuality for which a concentrated plan was to be drafted, Case Green, "War on two fronts, with the main struggle in the Southeast".

This document--our number C-175, USA Exhibit 69-- was introduced in evidence as part of the Austrian presentation and is an original carbon copy, signed in ink by von Blomberg. The original section of this directive dealing with the probable war against Czechoslovakia--it was later revised--opens with this supposition. I read from the bottom of page 3 of the English translation of this directive; I am reading from

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page 3 of the English copy, at the bottom of the page, following the heading II, and subparagraph (1) headed "Suppositions":

"The war in the East can begin with a surprise German operation against Czechoslovakia in order to parry the imminent attack of a superior enemy coalition. The necessary conditions justify such an action politically, and in the eyes of international law must be created beforehand."

After detailing possible enemies and neutrals in the event of such action, the directive continues as follows:

"(2) The task of the German armed forces"--and that much is underscored--"is to make their preparations in such a way that the bulk of all forces can break into Czechoslovakia quickly, by surprise, and with the greatest force while in the West the minimum strength is provided as rear cover for this attack.

"The aim and object of this surprise attack by the German armed forces should be to eliminate from the very beginning and for the duration of the war, the threat by Czechoslovakia to the rear of the operations in the West, and to take from the Russian Air Force the most substantial portion of its operational base in Czechoslovakia. This must be done by the defeat of the enemy armed forces and the occupation of Bohemia and Moravia."

The introduction to this directive sets forth as one of its guiding principles the following statement--and I now read from page 1 of the English translation, that is, the third paragraph following figure 1:

"Nevertheless the politically fluid world situation, which does not preclude surprising incidents, demands constant preparedness for war on the part of the German armed forces."

And then (a): "To counter attacks at any time."

(b): "To make possible the military exploitation of politically favorable opportunities should they occur."

This directive ordered further work on the plan for mobilization, without public announcement. I quote: "In order to put the armed forces in a position to be able to begin a war suddenly which will take the enemy by surprise, both as regards strength and time of attack." This directive is, of course, a directive for staff planning, but the nature of

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the planning and the very tangible and ominous developments which resulted from it give it a significance that it would not have in another setting.

Planning alone the lines of this directive was carried forward during the fall of 1937 and the winter of 1937-38. On the political level, this planning for the conquest of Czechoslovakia received the approval and support of Hitler in the conference with his military commanders on 5 November 1937, reported in the Hoszbach minutes, to which I have frequently heretofore referred.

In early March 1938, before the march into Austria, we find that defendants Ribbentrop and Keitel were concerned over the extent of the information about war aims against Czechoslovakia to be furnished to Hungary. On 4 March 1938, Ribbentrop wrote to Keitel, enclosing for Keitel's confidential information the minutes of a conference with Sztojay, the local Hungarian Ambassador, who had suggested an interchange of views. This document 2786-PS, a photostat of the original captured letter, which I now offer in evidence as Exhibit USA 81. In his letter to Keitel, Ribbentrop said:

"I have many doubts about such negotiations. In case we should discuss with Hungary possible war aims against Czechoslovakia, the danger exists that other parties as well would be informed about this. I would greatly appreciate it if you would notify me briefly whether any committments were made here in any respect. With best regards and Heil Hitler."

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At the 21 April meeting between Hitler and Keitel, the account of which I read last week and alluded to earlier this morning, document 388-PS, Item 0, specific plans for the attack on Czechoslovakia were discussed for the first time. This meeting was followed, in the late Spring and Summer of 1938, by a series of memoranda and telegrams advancing Case Green (Fall Gruen). Those notes and communications were carefully filed at Hitler's headquarters by the very efficient Colonel Schmundt, the Fuehrer's military adjutant, and were captured by American troops in a cellar at Obersalzburg, near Berchtesgaden. This file, which is preserved intact, bears our number 388-PS, and is US Exhibit No.26, and which we affectionately refer to as Big Schmundt -- a large file. The individual items in this file tell more graphically than any narrative the progress of the Nazi conspirators' plan to launch an unprovoked and brutal war against Czechoslovakia. From the start the Nazi leaders displayed a lively interest in intelligence data concerning Czechoslovakian armament. With the leave of the Tribunal I shall refer to some of these items in the Big Schmundt file without reading them. The documents to which I refer are Item 4 of the Schmundt file, a telegram from Colonel Zeizler, in General Jodl's office of the OKW, to Schmundt at Hitler's headquarters.

THE PRESIDENT: Mr. Alderman?

MR. ALDERMAN: Yes, sir?

THE PRESIDENT: Are you proposing not to read them?

MR. ALDERMAN: I hadn't intended to read them in full, unless that may be necessary.

THE PRESIDENT: I am afraid we must adhere to our decision.

MR. ALDERMAN: If the Tribunal please, I should simply wish to refer to the title or heading of Item 12, which is headed "Short Survey of Armament of the Czechoslovakian Army," dated Berlin, 9 June 1938, and initialled "Z" for Zeizler, and Item 13, "Questions of the Fuehrer", dated Berlin, 9 June 1938, and classified Most Secret. I should like to read four of the questions which Hitler wanted authoritative information about, as shown by that document, and I read indicated questions on pages 23, 24, 25, and 26 of Item 13 of Document 388-PS. Question 1: Hitler asked about

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armament of the Czechoslovakian army. I don't think it necessary to read the answers. They are detailed answers giving information in response to these questions posed by Hitler.

Question 2: "How many battalions, etc., are employed in the West for the construction of emplacements?"

Question 3: "Are the fortifications of Czechoslovakia still occupied in unreduced strength?"

Question 4: "Frontier protection in the West."

As I say, those questions were answered in detail by the OKW and initialled by Colonel Zeizler of General Jodl's staff.

As a precaution against French and British during the attack on Czechoslovakia, it was necessary for the Nazi conspirators to rush the preparation of fortification measures along the western frontier in Germany. I refer you to Item 8, at page 12 of the Big Schmundt file, a telegram presumably sent from Schmundt in Berchtesgaden to Berlin, and I quote from this telegram. It is, as I say, Item 8 of the Schmundt file, page 12 of document 388-PS:

"Inform Colonel General Von Brauchitsch and General Keitel".

And then, skipping a paragraph:

"The Fuehrer repeatedly emphasized the necessity of pressing forward greatly the fortification work in the West."

In May, June, July, and August of 1938, conferences between Hitler and his political and military advisors resulted in the issuance of a series of constantly revised directives for the attack on Czechoslovakia. It was decided that preparations for X-Day, the day of the attack, should be completed no later than 1 October. I now invite the attention of the Tribunal to the more important of these conferences and directives.

On 28 May 1939, Hitler called a conference of his principal advisors. At this meeting he gave the necessary instructions to his fellow conspirators to prepare the attack on Czechoslovakia. This fact Hitler later publicly admitted. I now refer and invite the notice of the Tribunal to document 2360-PS, a copy of the Voelkischer Beobachter for 13 January 1939. In a speech before the Reichstag the preceding day, reported in this newspaper, reading now from document 2360-PS, Hitler spoke as follows:

"On account of this intolerable provocation which had beenaggravated by a truly infamous persecution and terrorization of our Germans there, I resolved to solve once and for all, and this time radically, the Sudeten German question. On May 28 I ordered (1) that preparations should be made for military action against this state by October 2; I ordered (2) the immense and accelerated expansion of our defensive front in the West."

After this conference, on 30 May 1938, Hitler issued the revised military directive for Case Green. This directive is Item 11 in the Big Schmundt file, document 388-PS. It is entitled, "Two front war, with main effort in the Southeast", and this directive replaced the corresponding section, Part 2, Section II, of the previous quote, "Directive for unified preparation for war," which had been promulgated by Von Blomberg on 26 June 1937, which I have already introduced in evidence as our document C-175, US Exhibit No.69. This revised directive represented a further development of the ideas for political and military action discussed by Hitler and Keitel in their conference on 21 April. It is an expansion of a rough draft submitted by the Defendant Keitel to Hitler on 20 May, which may be found as Item 5 in the Schmundt file. It was signed by Hitler. Only five copies were made. Three copies were forwarded with

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a covering letter from Defendant Keitel to General Von Brauchitsch for the Army, to Defendant Raeder for the Navy, and to Defendant Goering for the Luftwaffe. In his covering memorandum Keitel noted that its execution must be assured, I quote, "As from 1 October 1938 at the latest." I now read from this document, which is the basic directive under which the Wehrmacht carried out its planning for Case Green, a rather lengthy quotation:

"1. Political Prerequisites. It is my unalterable decision . . ."

THE PRESIDENT (interposing) Which page is this?

MR. ALDERMAN: From the first page of Item 11. It is page 16.

"It is my unalterable decision to smash Czechoslovakia by military action in the near future. It is the job of the political leaders to await or bring about the politically and militarily suitable moment.

"An inevitable development of conditions inside Czechoslovakia or other political events in Europe creating a surprisingly favorable opportunity and one which may never come again may cause me to take early action.

"The proper choice and determined and full utilization of a favorable moment is the surest guarantee of success. Accordingly the preparations are to be made at once.

"2. Political Possibilities for the Commencement of the Action.

"The following are necessary prerequisites for the intended invasion:

a. suitable obvious cause and, with it

b. sufficient political justification,

c. action unexpected by the enemy, which will find him prepared to the least possible degree.

"From a military as well as a political standpoint the most favorable course is a lightning-swift action as the result of an incident through which Germany is provoked in an unbearable way for which at least part of world opinion will grant the moral justification of military action.

"But even a period of tension, more or less preceding a war, must

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terminate in sudden action on our part, which must have the elements of surprise as regards time and extent, before the enemy is so advanced in military preparedness that he cannot be surpassed.

"3. Conclusions for the Preparation of 'Fall Gruen.'

"For the Armed War it is essential that the surprise element as the most important factor contributing to success be made full use of by appropriate preparatory measures, all ready in peacetime and by an unexpectedly rapid course of the action. Thus it is essential to create a situation within the first four days which plainly demonstrates to hostile nations eager to intervene the hopelessness of the Czechoslovakian military situation and which at the same time will give nations with territorial claims on Czechoslovakia an incentive to intervene immediately against Czechoslovakia. In such a case, intervention by Poland and Hungary against Czechoslovakia may be expected, especially if France - due to the obvious pro-German attitude of Italy - fears, or at least hestitates, to unleash an European war by intervening against Germany. Attempts by Russia to give military support to Czechoslovakia mainly by the Air Force are to be expected. If concrete successes are not achieved by the land operations within the first few days, an European crisis will certainly result. This knowledge must give commanders of all ranks the impetus to decided and bold action.

"b. The Propaganda War must on the one hand intimidate Czechoslovakia by threats and soften her power of resistance; on the other hand issue directions to national groups for support in the Armed War and influence the neutrals into our way of thinking. I reserve further directions and determination of the date.

"4. Tasks of the Armed Forces.

"Armed Forces preparations are to be made on the following basis:

"a. The mass of all forces must be employed against Czechoslovakia.

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"b. For the West, a minimum of forces are to be provided as rear cover which may be required, the other frontiers in the East against Poland and Lithuania are merely to be protected, the Southern frontiers to be watched.

"c. The sections of the army which can be rapidly employed must force the frontier fortifications with speed and decision and must break into Czechoslovakia with the greatest daring in the certainty that the bulk of the mobile army will follow them with the utmost speed. Preparations for this are to be made and timed in such a way that the sections of the army which can be rapidly employed cross the frontier at the appointed time <u>at the same time</u> as the penetration by the Air Force before the enemy can become aware of our mobilization." (In a footnote: "For this, a timetable between Army and Air Force is to be worked out in conjunction with OKW and submitted to me for approval.")

"5. Missions for the branches of the Armed Forces.

"a. Army. The basic principle of the surprise attack against Czechoslovakia must not be endangered by the inevitable time required for transporting the bulk of the field forces by rail nor the initiative of the Air Force be wasted. Therefore it is first of all essential to the Army that as many assault columns as possible be employed at the same time as the surprise attack by the Air Force. These assault columns - the composition of each, according to their tasks at that time - must be formed with troops which can be employed rapidly owing to their proximity to the frontier or to motorization and to special measures of readiness. It must be the purpose of these thrusts to break into the Czechoslovakian fortification lines at numerous points and in a strategically favorable direction, to achieve a breakthrough or to break them down from the rear. For the success of this operation, cooperation with the Sudeten German frontier population, with deserters from the Czechoslovakian army, with parachutists or airborne troops and with units of the sabotage service will be of importance. The bulk of the army has the task of frustrating the Czechoslovakian plan of defense, of preventing the Czechoslovakian army from escaping . . . "

THE PRESIDENT: Is it necessary to read all this detail?

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MR. ALDERMAN: I was just worried about not getting it into the transcript.

THE PRESIDENT: It seems to me that this is all detail, that before you pass from the document you ought to read the document on page 15, which introduces it and which gives the date of it.

MR. ALDERMAN: I think so. It is a letter dated Berlin, 30 May 1938, Copy of the 4th Copy. "Supreme Commander of the Armed Forces. S. O. Only. Access only through Officer. Written by an Officer. Signed, Keitel. Distributed to C-in-C Army, C-in-C Navy, C-in-C Air Force. By order of the Supreme Commander of the Armed Forces, Part 2, Section II of the directive on the unified preparations for war of the Armed Forces dated 24 June 1937, (Ob.d.W.)", with some symbols, including "Chefsache", or top secret; "Two Front War with main effort in the South-East - strategic concentration 'Gruen', is to be replaced by the attached version. Its execution must be assured as from 1 October 1938 at the latest. Alterations in other parts of the directives must be expected during the next few weeks.

"By order of Chief of the Supreme Command of the Armed Forces.

"Signed, Keitel.

"Certified a true copy, Zeitzler, Oberstleutnant on the General Staff."

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In line with the suggestion of the presiding Justice, I shall omit the detailed instructions which are set out for action by the Luftwaffe and by the Navy, and I turn next to the last paragraph of the directive, which will be found on Page 19 of the English version:

"In war economy it is essential that in the field of the armament industry a maximum deployment of forces is made possible through increased supplies. In the course of operations, it is of value to contribute to the reinforcement of the total war - economic strength - - by rapidly reconnoitring and restarting important factories. For this reason the sparing of Czechoslovakian industrial and works installations -- insofar as military operations permit -- can be of decisive importance to us."

In other words, the Nazi conspirators, four months before the date of their planned attack, were looking forward to the contribution which the Czechoslovakian plan would make to further Nazi war efforts and economy.

Then the final paragraph of this directive, Paragraph 7, on Page 19:

"All preparations for sabotage and insurrection will be made by OKW. They will be made, in agreement with and according to the requirement of the branches of the Armed Forces, so that their effects accord with the operations of the Army and Air Force.

"Signed Adolf Hitler, Certified copy.

"Signed Zeitzler, Oberstleutnant on the General Staff."

Three weeks later, on 18 June 1938, a draft for a new directive was prepared and initialed by the defendant Keitel. This is Item 14 at Pages 27 to 32 of the large Schmundt file. It did not supersede the 30 May directive. I shall read the third and fifth paragraphs on Page 28 of the English translation, and the last paragraph on Page 29.

"The immediate aim is a solution of the Czech problem by my own, free decision; this stands in the foreground of my political intentions. I am determined to use to the full every favorable political opportunity to realize this aim."

Then skipping a paragraph:

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"However, I will decide to take action against Czechoslovakia only if I am firmly convinced as in the case of the occupation of the demilitarized zone and the entry into Austria that France will not march and therefore England will not intervene."

And then skipping to the last paragraph on the 29th page:

"The directives necessary for the prosecution of the war itself will be issued by me from time to time."

Initial K of Keitel, and Z, initial of Zeitzler.

The second and third parts of this directive contain general directions for the deployment of troops and for precautionary measures in view of the possibility that during the execution of Fall Gruen or Case Green France or England might declare war on Germany. Six pages of complicated schedules which follow this draft in the original have not been translated into English. These schedules, which constitute Item 15 in the Schmundt file, give a time table of specific measures for the preparation of the Army, Navy, and Luftwaffe for the contemplated action.

Corroboration for the documents in the Schmundt file is found in General Jodl's diary, our Document Number 1780-PS, and US Exhibit Number 72, from which I quoted portions during the Austrian presentation. I now quote from three entries in this diary written in the spring of 1938. Although the first entry is not dated it appears to have been written several months after the annexation of Austria, and here I read under the heading on Page 3 of the English translation, "Later undated entry:"

"After annexation of Austria the Fuehrer mentions that there is no hurry to solve the Czech question, because Austria has to be digested first. Nevertheless, preparations for Case Green will have to be carried out

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energetically. They will have to be newly prepared on the basis of the changed strategic position because of the annexation of Austria. State of preparation, see Memorandum L-1-A of 19 April, reported to the Fuehrer on 21 April.

"The intention of the Fuehrer not to touch the Czech problem as yet is changed because of the Czech strategic troop concentration of 21 May, which occurs without any German threat and without the slightest cause for it. Because of Germany's self-restraint the consequences led to a loss of prestige for the Fuehrer, which he is not willing to take once more. Therefore, the new order is issued for Green on 30 May."

And then the entry, 23 May: "Major Schmundt reports ideas of the Fuehrer for the conferences, which gradually revealed exact intentions of the Fuehrer, take place with the Chief of the Armed Forces and High Command, OKW on 28 May, 3 and 9 June, - see inclosures."

Then the entry of 30 May: "The Fuehrer signs directive Green, where he states his final decision to destroy Czechoslovakia soon and thereby initiates military preparation all along the line. The previous intentions of the Army must be changed considerably in the direction of an immediate break-through into Czechoslovakia right on D-Day - X-Tag--combined with aerial penetration by the Air Force.

"Further details are derived from directive for strategic concentration of the Army. The whole contrast becomes acute once more between the Fuehrer's intuition that we must do it this year, and the opinion of the Army that we cannot do it as yet, as most certainly the Western Powers will interfere and we are not as yet equal to them."

During the spring and summer of 1938 the Luftwaffe was also engaged in planning in connection with the forthcoming Case Green and the further expansion of the Reich.

I now offer in evidence Document R-150, as USA Exhibit 82. This is a top secret document dated 2 June 1938, issued by Air Force Group Command 3, and entitled "Plan Study 1938, Instruction for Deployment and Combat, 'Case Red'."

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"Case Red" is the code name for action against the Western Powers if need be. 28 copies of this document were made, of which this is Number 16. This is another staff plan, this time for mobilization and employment of the Luftwaffe in the event of war with France. It is given significance by the considerable progress by this date of the planning for the attack on Czechoslovakia.

I quote from the second paragraph on Page 3 of the English translation, referring to the various possibilities under which war with France may occur. You will note that they are all predicated on the assumption of a German-Czech conflict.

"France will (a) either interfere in the struggle between the Reich and Czechoslovakia in the course of 'Case Green', or (b) start hostilities simultaneously with Czechoslovakia; (c) It is possible but not likely that France will begin the fight while Czechoslovakia still remains aloof."

And then, reading down lower on the page under "Intention": "Regardless of whether France enters the war as a result of 'Case Green' or whether she makes the opening move of the war simultaneously with Czechoslovakia, in any case the mass of the German offensive formations will, in conjunction with the Army, first deliver the decisive blow against Czechoslovakia.

By mid-summer direct and detailed planning for Case Green was being carried out by the Luftwaffe. In early August at the direction of the Luftwaffe General Staff the German Air Attache in Prague reconnoitered the Freudenthal area of Czechoslovakia south of Upper Silesia for suitable landing ground.

I offer in evidence document 1536-PS as Exhibit USA 83, a report of the Luftwaffe General Staff, Intelligence Division, dated 12 August 1938. This was a top secret

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document for general officers only, of which only two copies were made.

Attached as an enclosure was the report of Major Moericke, the German attache in Prague, dated 4 August 1938. I quote the first four paragraphs of the enclosure:

"I was ordered by the General Staff of the Air Force to reconnoitre the land in the region Freudenthal-Freihermersdorf --

THE PRESIDENT: Page 3 of the document?

MR. ALDERMAN: Yes.

"...for possible landing possibilities.

"For this purpose I obtained private lodgings in Freudenthal with the manufacturer Macholdt, through one of my trusted men in Prague.

"I had specifically ordered this man to give no details about me to M, particularly about my official position.

" I used my official car (Dienst Pkw) for the journey to Fr. taking precautions against being observed."

By 25 August the imminence of the attack on Czechoslovakia compelled the issuance by the Luftwaffe of a detailed intelligence memorandum, entitled "Extended Case Green", in other words, an estimate of possible action by the Western powers during the attack on Czechoslovakia.

I now offer this document in evidence, Number 375-PS, as Exhibit USA 83. This is a top secret memorandum of the Intelligence Section of the Luftwaffe, General Staff, dated Berlin, 25 August 1938. Based on the assumption that Great Britain and France would declare war on Germany during Case Green, this study contains an estimate of the strategy and air strength of the Western Powers as of 1 October 1938, the target date for Case Green. I quote the first two sentences of the document. That is under the heading "Initial Political Situation":

"1. The basic assumption is that France will declare war during Case Green. It is presumed that France will only decide upon war if active military assistance by Great Britain is definitely assured."

Now, knowledge of the pending or impending action against Czechoslovakia was not confined to a close circle of high officials

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of the Reich and the Nazi Party. During the summer Germany's allies, Italy and Hungary, were apprised by one means or another of the Nazi conspirators. I offer in evidence Document 2800-PS as Exhibit USA 85. This is a captured document from the German Foreign Office files, a confidential memorandum of a conversation with the Italian Ambassador, Attolico, in Berlin on 18 July 1938. At the bottom is a handwritten note headed "For the Reichminister only," and the Reichminister was the defendant Ribbentrop. I now read this note. I read from the note the third and fourth paragraphs:

"Attolico added that we had made it unmistakably clear to the Italians what our intentions are regarding Czechoslovakia. He also knew the appointed time well enough so that he could take perhaps a two months' holiday now which he could not do later on.

"Giving an idea of the attitude of other Governments Attolico mentioned that the Roumanian Government had refused to grant application for leave to its Berlin Minister."

THE PRESIDENT: Would this be a convenient time to break off for ten minutes?

MR. ALDERMAN: Yes, sir.

(Whereupon at 11:20 a.m., a short recess was taken).

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(A recess was taken from 1125-1140)

MR. ALDERMAN: May it please the Tribunal, a month later Mussolini sent a message to Berlin requesting that he be told the date on which Case Green would take place. I offer in evidence Document No. 2791-PS as Exhibit U.S.A. 86, a German Foreign Office note on a conference with Ambassador Attolico. This note is signed "R" for Ribbentrop, and dated 23 August 1938, and I now read two paragraphs from the memorandum:

"On the voyage of the "Patria" Ambassador Attolico explained to me that he had instructions to request the notification of a contemplated time for German action against Czechoslovakia from the German Government.

"In case the Czechs should again cause a provocation against Germany, Germany would march. This would be tomorrow, in six months, or perhaps in a year. However, I could promise him that the German Government, in case of an increasing gravity of the situation or as soon as the Fuehrer made his decision, would notify the Italian Chief of Government as rapidly as possible. In any case, the Italian Government will be the first one who will receive such a notification."

Four days later--

THE PRESIDENT: You did not tell us what the initial was, did you?

MR. ALDERMAN: The initial "R" for Ribbentrop, and the date 23 August 1938.

"Four days later Attolico again requested to be notified of the date of the pending attack. I offer Document No. 2792-PS as Exhibit U.S.A. 87, another German Foreign memorandum, and from that document I read three paragraphs under the heading "R.M. 251."

"Ambassador Attolico paid me a visit today at twelve o'clock to communicate the following:

"He had received another written instruction from Mussolini asking that Germany communicate in time the probable date of action against Czechoslovakia. Mussolini asked for such notification, as Mr. Attolico assured me, in order 'to be able to take in due time the necessary measures on the French frontier.' Berlin, 27 August 1938, 'R' for Ribbentrop."

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And then: "N. N. I replied to ambassador Attolico, just as on his former demarche, that I could not impart any date to him; that, however, in any case Mussolini would be the first one to be informed of any decision. Berlin, 2 September 1938."

Hungary, which borders Czechoslovakia to the southeast, was from the first considered to be a possible participant in Case Green. You will recall that in early March 1938 Defendants Keitel and Ribbentrop had exchanged letters on the question of bringing Hungary into the Nazi plan. At that time the decision was in the negative, but by mid-August 1938 the Nazi conspirators were attempting to persuade Hungary to join in the attack.

From August 21 to 26 Admiral Horthy and some of his ministers visited Germany. Inevitably there were discussions of the Czechoslovakian question. I now offer Document 2796-PS as Exhibit U.S.A. 88. This is a captured German Foreign Office account signed by von Weizsacker of the conversations between Hitler and Ribbentrop and aHungarian delegation consisting of Horthy, Imredy, and Kanya aboard the S.S. Patria on 23 August 1938. In this conference Ribbentrop inquired about the Hungarian attitude in the event of a German attack on Czechoslovakia, and suggested that such an attack would prove to be a good opportunity for Hungary.

The Hungarians, with the exception of Horthy, who wished to put the Hungarian intention to participate on record, proved reluctant to commit themselves. Thereupon Hitler emphasized Ribbentrop's statement and said, "Whoever wanted to join the meal would have to participate in the cooking as well." I now quote from this document the first two paragraphs:

"While in the forenoon of the 23rd of August the Fuehrer and the Regent of Hungary were engaged in a political discussion. The Hungarian Minister Imredy and Kanya were in conference with von Ribbentrop. Mr. von Weiszacker also attended the conference.

"Von Kanya introduced two subjects for discussion: Point 1: Negotiations between Hungary and the Little Entente; and 2: The Czechoslovakian problem."

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Then I skip two paragraphs and read the fifth paragraph:
"Mr. von Ribbentrop inquired as to what Hungary's attitude would be if the Fuehrer would carry out his decision to answer a new Czech provocation by force. The reply of the Hungarians presented two kinds of obstacles: The Yugoslavian neutrality must be assured if Hungary marches towards the north and perhaps the east. Moreover, the Hungarian rearmament had only been started and one to two more years time for its development should be allowed.

H0013 - 0064

"Von Ribbentrop then explained to the Hungarians that the Yugoslavs would not date to march while they were between the pincers of the Axis Powers. Rumania alone would therefore not move. England and France would also remain tranquil. England would not recklessly risk her empire. She knew our newly acquired power. In reference to time, however, for the above-mentioned situation, nothing definite could be predicted since it would depend on Czech provoation. Von Ribbentrop repeated that, 'Whoever desires revision must exploit the good opportunity and participate'.

"The Hungarian reply thus remained a conditional one. Upon the question of Von Ribbentrop, what purpose the desired General Staff conferences were to have, not much more was brought forward than the Hungarian desire of a mutual inventory of military materiel and preparedness for the Czech conflict. The clear political basis for such a conflict - the time of Hungarian intervention - was not obtained.

"In the meantime, more positive language was used by Von Horthy in his talk with the Fuehrer. He wished not to hide his doubts with regard to the English attitude, but he wished to put Hungary's intention to participate on record. The Hungarian ministers were and remained, even later, more skeptical since they felt more strongly about the immediate danger for Hungary with its unprotected flanks.

"When Von Imredy had a discussion with the Fuehrer in the afternoon he was very relieved when the Fuehrer explained to him that in regard to the situation in question he demanded nothing of Hungary. He himself would not know the time. Whoever wanted to join the meal would have to participate in the cooking as well. Should Hungary wish conferences of the General Staffs he would have no objections."

I think perhaps that sentence, "Whoever wanted to join the meal would have to participate in the cooking as well," is perhaps as cynical a statement as any statement has ever been guilty of.

By the third day of the conference the Germans were able to note that in the event of a German-Czech conflict, Hungary would be sufficiently

H0013-0065

armed for participation on 1 October. I now offer in evidence Document 2797-PS as Exhibit U.S.A. 89, another captured German Foreign Office Memorandum of a conversation between Ribbentrop and Kanya on 25 August 1938. You will note that the English mimeographed translation bears the date 29 August. That is incorrect; it should read 25 August. I read the last paragraph from that document, or the last two.

"Concerning Hungary's military preparedness in case of a German-Czech conflict Von Kanya mentioned several days ago that his country would need a period of one to two years in order to develop adequately the armed strength of Hungary.

"During today's conversation, Von Kanya corrected this remark and said that Hungary's military situation was much better. His country would be ready, as far as armaments were concerned, to take part in the conflict by October 1 of this year. (signed an illegible signature)," which probably is that of Weizsacker.

The account of the German-Hungarian conference again finds its corroboration in General Jodl's diary, Document 1780-PS, from which I have already several times read. The entry in that diary for 21 to

H0013-0066

26 August on page 4 of the English version of the document reads as follows:

"Visit to Germany of the Hungarian Regent. Accompanied by the Prime Minister, the Minister of Foreign Affairs, and the Honved Minister von Raatz"--with a question mark in the original in parenthesis.

"They arrived with the idea that in the course of a great war after a few years, and with the help of German troops, the old State of Hungary can be re-established. They leave with the understanding that we have neither demands from them nor claims against them, but that Germany will not stand for a second provocation by Czechoslovakia, even if it should be. If they want to participate at that moment, it is up to them.

"Germany, however, will never play the role of an arbitrator between them and Poland. The Hungarians agree; but they believe that when the issue arises a period of forty-eight hours would be indispensable to them to find out Yugoslavia's attitude."

H0013-0067

The upshot of the talks with the Hungarians proved to be a staff conference on September 6th.

I quote again from Jodl's diary, the entry for 6 September, beginning at the end of that same page.

"Chief of General Staff, General of Artillery Halder, has a conference with the Hungarian Chief of Staff Fischer. Before that he is briefed by me on the political attitude of the Fuehrer, especially his order not to give any hint on the exact moment. The same with CQI, General von Stuelpnagel."

It is somewhat interesting to find a high-ranking General giving a briefing on such political matters.

Then we come to final, actual preparations for the attack. With a 1 October target date, set for "Case Green", there was a notable increase in the tempo of the military preparations in late August and September. Actual preparations for the attack on Czechoslovakia were well under way. The agenda of the Nazi conspirators was devoted to technical details, the timing of "X days", questions of mobilization, question of transports and supplies.

On 26 August the defendant Jodl initialed a memorandum entitled "Timing of the X Order and the Question of Advance Measures." This is item 17 at pages 37 and 38 of the English translation of the Schmundt file on "Case Green", our Number 388-PS.

I should like to invite the special attention of the Tribunal to this memorandum. It demonstrates beyond the slightest doubt the complicity of the OKW and of the defendants Keitel and Jodl in the shameful fabrication of an incident as an excuse for war. It reveals in bare outline the deceit, the barbarity, the completely criminal character of the attack that Germany was preparing to launch.

I ask leave to read this document in full:

"Chief Section L Written by General Staff Officer

MOST SECRET

S.O. Only Berlin, 24 August 1938

access only through Officer

H0013-0068

3 Dec-M-JH-6.

1 Copy

"TIMING OF THE X- ORDER AND THE QUESTION OF ADVANCE MEASURES

"The Luftwaffe's endeavor to take the enemy air forces by surprise at their peace-time airports justifiably leads them to oppose measures taken in advance of the X-order and to the demand that the X-order itself be given sufficiently late on X minus 1 to prevent the fact of Germany's mobilization becoming known to Czechoslovakia on that day.

"The army's efforts are turning in the opposite direction. It intends to let OKW initiate all advance measures between X minus 3 and X minus 1, which will contribute to the smooth and rapid working of the mobilization. With this in mind OKH also demands that the X order be given not later than 1400 on X minus 1.

"To this the following must be said:

"Operation (aktion) Gruen will be set in motion by means of an "incident" in Czechoslovakia which will give Germany provocation for military intervention. The fixing of the exact time for this incident is of the utmost importance.

"It must come at a time when weather conditions are favorable for our superior air forces to go into action and at an hour which will enable authentic news of it (news of this prepared incident) to reach us on the afternoon of X minus 1.

"It can then be spontaneously answered by the giving of the X order at 1400 on X minus 1.

"On X minus 2 the Navy, Army and Air Force will merely receive an advance warning.

"If the Fuehrer intends to follow this plan of action, all further discussion is superfluous.

"For then no advance measures may be taken before X minus 1 for which there is not an innocent explanation as we shall otherwise appear to have.manufactured the incident. Orders for absolutely essential advance measures must be given in good time and camouflaged with the help of the numerous manoeuvres and exercises.

"Also, the question raised by the Foreign Office as to whether all Germans should be called back in time from prospective enemy territories must in no way lead to the conspicuous departure from Czechoslovakia of any German subjects before the incident.

"Even a warning of the diplomatic representatives in PRAGUE is impossible before the first air attack, although the consequences could be very grave in the event of their becoming victims of such an attack (e.g. death of representatives of friendly or confirmed neutral powers.)

"If, for technical reasons, the evening hours should be considered desirable for the incident, then the following day cannot be X day, but it must be the day after that.

" In any case we must act on the principle that nothing must be done before the incident which might point to mobilization, and that the swiftest possible action must be taken after the incident (X-Fall)

"It is the purpose of these notes to point out what a great interest the Wehrmacht has in the incident and that it must be informed

H0013-0069

of the Fuehrer's intentions in good time - insofar as the Abwehr Section is not also charged with the organization of the incident.

"I request that the Fuehrer's decision be obtained on these points."

In handwriting, at the bottom of the page of that document, are the notes of the indefatigable Schmundt, Hitler's adjutant. These reveal that the memorandum was submitted to Hitler on August 30; that Hitler agreed to act along these lines, and that Jodl was so notified on 31 August. There follows Jodl's initials once more.

On September 3 Keitel and von Brauchitsch met with Hitler at the Berghof. Again Schmundt kept notes of the conference. These will be found as Item 18 at pages 39 and 40 of the Document 388-PS. I shall read the first three short paragraphs of these minutes:

"Gen. Ob. v. Brauchitsch — Reports on the exact time of the transfer of the troops to 'exercise areas' for 'Gruen'. Field units to be transferred on 28 September. From here will then be ready for action. When X day becomes known field units carry out exercises in opposite directions.

"Fuehrer — Has objection. Troops assemble field units. A 2-day march away. Carry out camouflage exercises everywhere."

Then there is a question mark.

"OKH must know when X day is by 1200 noon, 27 September."

You will note that von Brauchitsch reported that field troops would be transferred to the proper areas for "case Green" on 28 September and would then be ready for action. You will also note that the OKH must know when X day is by 12 noon on

H0013-0070

27 September."

During the remainder of the conference Hitler gave his views on the strategy the German armies should employ and the strength of the Czech defenses they would encounter. He spoke of the possibility, and I quote, "of drawing in the Henlein people." The situation in the West still troubled him. Schmundt further noted, and here I read the final sentence from page 40 of the English transcript:

"The Fuehrer gives orders for the development of the Western fortifications improvement of advance positions around Aachen and Saarebrucken. Construction of 300 to 400 battery positions (1600 artillery pieces). He emphasizes flanking action."

Five days later General Stuelpnagel asked defendant Jodl for written assurance that the OKH would be informed five days in advance about the impending action. In the evening Jodl conferred with Luftwaffe generals about the coordination of ground and air operation at the start of the action. I now read the 8 September entry in General Jodl's diary, page 5 of the English translation of Document 1780-PS.

"General Stuelpnagel OKI, asks for written assurance that the Army High Command will be informed five days in advance if the plan is to take place. I agree and add that the over-all meteorological situation can be estimated to some extent, only for two days in advance and that therefore the plans may be changed up to this moment, that is D day minus 2", or as the German puts it, "X minus 2 tage".

"General Stuelpnagel mentions that for the first time he wonders whether the previous basis of the plan is not being abandoned. It presupposed that the Western powers would not interfere decisively. It gradually seems as if the Fuehrer would stick to his decision, even though he may no longer be of this opinion. It must be added that Hungary is at least moody and that Italy is reserved."

Now, this is Jodl talking:

"I must admit that I am worrying too, when comparing the change of opinion about political and military potentialities, according to directives of 24 June, 5 November '37, 7 December '37, 30 May 1938, with the last statements

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In spite of that one must be aware of the fact that the other nations will do everything they can to apply pressure to us. We must pass this test of nerves but because only very few people know the art of withstanding this pressure successfully, the only possible solution is to inform only a very small circle of officers of news that causes us anxiety, and not to have it circulate through anterooms as heretofore.

"1800 hours to 2100 hours: conference with Chief of Army High Command and Chief of General Staff of the Air Force. (Present were General Jeschonnek, Kammhuber, Sternburg and myself.) We agree about the promulgation of the D day order, (X-Befhel) (X-1, 4 o'clock) and preannouncement to the Air Force (D day minus 1 (X minus 1 day) 7 o'clock). The "Y" time has yet to be examined. Some formations of an approach flight of one hour."

Late on the evening of the following day, 9 September, Hitler met with defendant Keitel and Generals von Brauchitsch and Halder at Nurnberg. Dr. Todt, the construction engineer, later joined this conference, which lasted from 10 in the evening until 3:30 the following morning. Schmundt's minutes on this conference are Item 19 in the large Schmundt file, at pages 41 to 43 of Document 388-PS.

In this meeting General Halder reviewed the missions assigned to four of the German armies being committed to the attack, the Second, the Tenth, Twelfth and Fourteenth German Armies. With his characteristic enthusiasm for military planning, Hitler then delivered a soliloquy on strategic considerations, which should be taken into account as the attack developed. I shall quote only four paragraphs, beginning with the summary of General von Brauchitsch's remarks, on the bottom of page 42.

"General Oberst von Brauchitsch: Employment of motorized divisions were based on the difficult rail situation in Austria and the difficulties in getting other divs." -- that is for divisions -- "(ready to march) into the area at the right time. In the West vehicles will have to leave on the 20th of September, if X day remains as planned. Workers leave on the 23, by relays. Specialist workers remain according to decision by Army Command 2.

The Fuehrer: Doesn't see why workers have to return home as early as X-11. Other workers and people are also on the way on mobilization day.

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Also the railroad cars, they will stand around unnecessarily later on.

"General Keitel: Workers are not under the jurisdiction of district commands in the West. Trains must be assembled.

"Von Brauchitsch: 235,000 men RAD (Labor Service) will be drafted. 96 construction battalions will be distributed (also in the East.) 40,000 trained laborers stay in the West."

From this day forward the Nazi conspirators were occupied with the intricate planning which is required before such an attack. On 11 September defendant Jodl conferred with a representative of the Propaganda Ministry about methods of refuting German violations of international law and of exploiting those of the Czechoslovakians. I read the 11 September entry in the Jodl diary at page 5 of the English translation of Document 1780-PS:

"In the afternoon conference with Secretary of State Jahnke, from the Ministry of Public Enlightenment and Propaganda on imminent common tasks. These joint preparations for refutation (wiederlegung) of our own violations of international law, and the exploitation of its violations by the enemy, were considered particularly important."

This discussion developed into a detailed study compiled by Section L, that is Jodl's section of the OKW.

H0013-0073

I now offer in evidence Document C-2 as Exhibit U.S.A. 90, which is a carbon copy of the original, signed in pencil. Seven copies of this document, as it shows on its face, were prepared and distributed on the 1 October 1938, to the OKH, the OKM, the Luftwaffe and the Foreign Office.

In this study anticipated violations by Germany of international law in connection with the invasion of Czechoslovakia are listed and counter-propaganda suggested for the use of the Propaganda Agencies. It is a highly interesting Top Secret document and, at a glance at the original, you can see the careful form in which the study of anticipated violations of international law and propagandistic refutations thereof were set out.

The document is prepared in tabular form, in which the anticipated instances of violation of international law are listed in the left hand column. In the second column are given specific examples of the incidents. In the third and fourth column the position to be taken toward these incidents, in violation of international law and in violation of the laws of warfare, is set forth.

The fifth column, which in this document unfortunately is blank, was reserved for the explanations to be offered by the Propaganda Minister. I first quote from the covering letter:

"Enclosed is a list drawn up by Section L of the OKW, of the violations of international law which may be expected on the part of fighting troops.

"Owing to the short time allowed for the compilation, columns C-1, and C-2 had to be filled in directly here for the time being.

"The branches of the armed forces are requested to send in an opinion here so that a final version may be drawn up.

"The same is requested of the Foreign Office.

"The Chief of the Supreme Command of the Armed Forces.

"By order (signed) Burkner."

I am sorry that I perhaps cannot take the time to read extensively from this document. I shall confine myself to reading the first ten hypothetical incidents for which justification must be found from the second column, Column B of the Table.

"First: in an air rad on Prague the British Embassy is destroyed.

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"Second: Englishmen or Frenchmen are killed or injured.

"Third: the Hradschin is destroyed in an air raid on Prague.

"Fourth: on account of a report that the Czechs have used gas, the firing of gas projectiles is ordered.

"Fifth: Czech civilians, not recognizable as soldiers, are caught in the act of sabotage (destruction of important bridges, destruction of foodstuffs and fodder, are discovered looting wounded or dead soldiers and thereupon shot).

"Sixth: captured Czech soldiers or Czech civilians are detailed to do road work or to load munitions.

"Seven: for military reasons it is necessary to requisition billets, foodstuffs and fodder from the Czech population. As a result the latter suffer from want.

"Eight: Czech population is, for military reasons, compulsorily evacuated to the rear area.

"Nine: churches are used for military accommodations.

"Ten: in the course of their duty, German aircraft fly over Polish territory where they are involved in an air battle with Czech aircraft."

From Nurnberg on the 10th of September, Hitler issued an order bringing the Reichsarbeitsdienst, the German Labor Service, under the OKW. This Top Secret order --

THE PRESIDENT: Are you passing from that document now?

MR. ALDERMAN: Yes.

THE PRESIDENT : Would you read the classification with reference to gas?

MR. ALDERMAN: Perhaps I should, sir.

THE PRESIDENT: It is number 4.

MR. ALDERMAN: Incident number 4?

THE PRESIDENT: Yes.

MR. ALDERMAN: Well, number 4 was the supposed incident on account of a report that the Czechs have used gas, the firing of gas projectiles is ordered. Under the paragraph "Attitude of International Law Group" it says:

"According to the declaration agreed to in June 1925 by 40 states, including Czechoslovakia, the employment of poison gases, chemical warfare

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agents, and bacteriological substances is expressly forbidden. Quite a number of states made the reservation to this declaration on the prohibition of gas warfare."

Then, under the column headed "Justification by the Laws of War" it says:

"If the assertion, that the opponent -- in this case the Czechs -- used a prohibited gas in warfare, it is to be believed by the world, it must be possible to prove it. If that is possible, the firing of gas projectiles is justified and it must be given out in public that it can be proved that the enemy was the first to violate the prohibition. It is therefore particularly important to furnish the proof. If the assertion is unfounded or only partially founded, the gas attack is to be represented only as the need for carrying out a justified reprisal, in the same way did the Italians in the Abyssinian War. In this case, however, the justification for such harsh reprisals must be proved."

From Nurnberg on the 10th of September, Hitler issued an order bringing the Reichsarbeitsdienst, the German Labor Service, under the OKW --

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THE PRESIDENT: There is another short passage which seems to be material.

MR. ALDERMAN: I was very much tempted to read the whole document.

THE PRESIDENT: The classification of number 10.

MR. ALDERMAN: Number 10 was "in the course of their duty, German aircraft fly over Polish territory where they are involved in an air battle with Czech aircraft."

Under the heading "Attitude of the International Law Group:

"According to Article 1 of the Fifth Hague Convention of 18 October 1907, the territory of neutral powers is not to be violated. A deliberate violation by flying over this territory is a breach of international law if the neutral powers have declared an air barrier for combat aircraft. If German planes fly over Polish territory this constitutes a violation of international law, provided that this action is not expressly permitted."

Now, under the heading "Justification by the Laws of War", is this:

"An attempt at the denial should first be made if this is unsuccessful, a request for pardon should be made (on the grounds of miscalculation of position to the Polish government and compensation for damage guarantee)."

THE PRESIDENT: Will you go to a quarter to one?

MR. ALDERMAN: Whatever the Court wishes, yes sir, I shall go on.

I had referred to the order of 14 September, by which defendant Keitel issued detailed instructions. No, I am sorry, I had referred to an order issued by Hitler on 10 September from Nurnberg, bringing the German Labor Service under the OKW. This Top Secret order, of which 25 copies were made, is Item 20 in the Schmundt file, page 44. I will read that order:

"1. The whole RAD organization comes under the command of the Supreme Command of the Army effective 15 September.

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"2. The Chief of OKW decides on the first commitments of this organization in connection with the Reich Labor Leader (Reichsarbeitsfuehrer) and on assignments from time to time to the Supreme Commands of the Navy, Army and Air Force. Where questions arise with regard to competency he will make a final decision in accordance with my instructions.

"3. For the time being this order is to be made known only to the departments and personnel immediately concerned. (Signed) Adolf Hitler."

Four days later, on 14 September, defendant Keitel issued detailed instructions for the employment of specific RAD units. This order is Item 21 in the Schmundt file, at page 45 in the English translation. I do not think I need read the order.

There is another order issued by the defendant Jodl on 16 September, Item 24, at page 48 in the Schmundt file. I think I need only read the heading or title of that: "Subject: Employment of Reich Labor Service" for maneuvers with Wehrmacht.

"1. Effective 15 September, the following units will be under command of the C-in-C of the Army, the RAD forces of the light construction battalion."

Two further entries in the defendant Jodl's diary give further indications of the problems of the OKW in this period of mid-September, just two weeks before the anticipated X day.

I now read the answers for the 15th and 16th September, at pages 5 and 6 of the English translation of the Jodl diary.

"In the morning conference with Chief of Army High Command and Chief of General Staffs of Army and Air Forces; the question was discussed what could be done if the Fuehrer insists on advancement of the date, due to the rapid development of the situation.

H0013-0073

"16 September: General Keitel returns from the Berghof at 1700 hours. He graphically describes the results of the conference between Chamberlain and the Fuehrer. The next conference will take place on the 21st or the 22nd in Godesberg.

"With consent of the Fuehrer, the order is given in the evening by the Armed Forces High Command to the Army High Command and to the Ministry of Finance, to line up the V.G.A.D. along the Czech border.

"In the same way, an order is issued to the railways to have the empty rolling stock kept in readiness clandestinely for the strategic concentrations of the Army, so that it can be transported starting 28 September."

The order to the railroads to make rolling stock available, which General Jodl referred to, appears as Item 22, at page 47 of the Schmundt file. In this order the defendant Keitel told the railroads to be ready by 28 September but to continue to work on the Western front fortifications even after 20 September in the interest of camouflage. I quote the first four pages of this order:

"The Reichsbahn (that is the railroads) must provide trains of empty trucks in great numbers by September 28 for the carrying out of mobilization exercises. This task now takes precedence over all others.

"Therefore the trainloads for the limes -- job --" -- I understand the "lime job" to have reference to defense fortification in the West -- "will have to be cut down after September 17 and those goods loaded previous to this date unloaded by September 20.

"The Supreme Command of the Army (Fifth Division of the Army General Staff) must issue further orders after consultation with the authorities concerned.

"However, in accordance with the Fuehrer's directive, every effort should be made to continue to supply the materials in as large quantities as feasible, even after 20 September 1938, and this for reasons of camouflage as well as in order to continue the important work on the Limes."

The penultimate stage of the aggression begins on 18 September. From that date until the 28th a series of orders were issued advancing preparations for the attack. These orders are included in the Schmundt file and I shall

H0013-0079

not take the time of the Tribunal by attempting to read all of it.

On the 18th the committment scheduled for the five participating Armies, the Second, Eigth, Tenth, Twelfth, and Fourtennth, was set forth. That is Item 26 in the Schmundt file at page 50 of the English translation. Hitler approved the secret mobilization of five divisions in the West to protect the German rear during "Case Green", and I refer to Item 31 in the Schmundt file at page 13. I beg your pardon, it is page 55, I had a misprint. I might refer to that. It is a "Most Secret" order, Berlin 27, 9, 1938, 1920 hours, 45 copies of which this is the 16th.

"The Fuehrer has approved the mobilization without warning of the five regular West divisions (26, 34, 36, 32 and 35). The Fuehrer and the Supreme Commander of the Armed Forces has expressly reserved the right to issue the order for employment in the fortification zone and the evacuation of this zone by workers of the Todt organization.

"It is left to the OKH -- to assemble as far as possible first of all the sections ready to march and subsequently the remaining sections of the divisions in marshaling areas behind the Western fortifications. (Signed) Keitel."

THE PRESIDENT: I think this would be a good time to adjourn. Before the Tribunal adjourns, the Tribunal would be very grateful if the officers in charge of the Court could reduce the heat.

We will meet again at 2 o'clock.

(Whereupon at 1245 the Tribunal recessed until 1400 of the same day.)